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FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME II

MILLENNIUM HOTEL
ANCHORAGE, ALASKA

MAY 20, 2004
8:30 o'clock a.m.

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1 P R O C E E D I N G S

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3 (Anchorage, Alaska - 5/20/2004)

4
5 CHAIRMAN DEMIENTIEFF: Okay. We'll go
6 ahead and call the meeting to order. I'm not sure
7 exactly what was accomplished, but as we begin this, we
8 do want to point out one thing, that there is a
9 delegation of authority in place already. So this is an
10 attempt to modify that, but I'm going to call on Dan to
11 see exactly where things ended up last night, or
12 yesterday afternoon.

13
14 MR. LAPLANT: Thank you, Mr. Chairman.
15 Good morning, everyone. Mr. Chairman, we didn't have a
16 real organized meeting yesterday after the Board
17 adjourned, but several of us stayed around and talked
18 about the issue, continued to discuss it until -- I was
19 here until the last person left, so I think everybody had
20 a chance to talk as long as they wanted to.

21
22 So what I suggest that we do to move
23 forward on the issue is, first of all, Chuck Ardizzone
24 has got the answer to the question that Mr. Paul Tony had
25 yesterday about how OSM has implemented the current
26 authority in the past few years, so I'd like to have him
27 answer that question first. And then I've asked Gino
28 Delfrate from ADF&G to talk about the lynx harvest
29 tracking strategy and to kind of explain the elements of
30 that, and how local input is involved in developing the
31 annual recommendations. And then after that I've got
32 some answers to some of the other questions or concerns
33 that were raised yesterday, and some options for the
34 Board to consider, Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: That's fine.

37
38 MR. ARDIZZONE: Mr. Chair, Chuck
39 Ardizzone. This morning I went to work early and got
40 together the changes in the Federal lynx trapping
41 regulations from 1998 to 2000, which you should all have
42 a handout on your -- in front of you. It's basically
43 just a list of the units and the changes that we've done.
44 The changes are highlighted in bold, and crossed out is
45 what we changed it from. If there's any questions, I'd
46 be happy to answer that, but this should answer what
47 we've done since '98 to last year.

48
49 Thank you, Mr. Chair.

50

1 MR. BOYD: Mr. Chair.
2
3 CHAIRMAN DEMIENTIEFF: Go ahead. Tom.
4
5 MR. BOYD: Mr. Chair, if I could just ask
6 Chuck to briefly, very briefly summarize that, basically
7 highlighting the kinds of changes that have been made.
8
9 MR. ARDIZZONE: If you look at the
10 changes on that sheet, basically we've just changed
11 season dates to coincide with lynx populations
12 fluctuations, and we really haven't changed any limits
13 since '98 at least. It's really just an effort to keep
14 the low point of the cycle from getting driven too low,
15 which would take it -- this population longer to recover.
16
17 MR. EDWARDS: So if I -- I understand
18 that, I mean, for example, in 1998, what you did, based
19 upon the data coming in, you made the decision to extend
20 the season from February 15th to February 28th, because
21 it -- because we started out with it being stopped at
22 February 15th. As the season progressed, the data came
23 in through this data base, you said it looks like we can
24 allow additional days, and so you made -- that decision
25 was made and went out and allowed people to trap those
26 additional days?
27
28 MR. ARDIZZONE: That's correct.
29
30 MR. EDWARDS: Okay.
31
32 CHAIRMAN DEMIENTIEFF: Okay.
33
34 MR. DELFRATE: Thank you, Mr. Chair and
35 members of the Board. Dan LaPlant gave a pretty good
36 synopsis yesterday over the lynx harvest tracking
37 strategy. I'll try not to repeat some of that
38 information. I'll be brief in the interest of time, and
39 answer questions if there are questions, and I'll try and
40 touch on some of the points that I heard raised yesterday
41 to maybe answer a few of those questions.
42
43 But in essence, the lynx harvest tracking
44 strategy is very similar to other harvest tracking
45 strategies that we use for other species. We actually
46 manage mountain goats in the same way. And it's a
47 concept of following the population and trying to harvest
48 a sustained amount of animals off of that population.
49 We're not trying to manage for a static level of
50 population.

1 With lynx it works really good in that
2 lynx are very cyclic, and they follow the hare cycle, and
3 in this case it's a predictive situation where we can
4 follow the hare cycle and predict what the lynx are going
5 to do population-wise. And so when the hares crash, we
6 know that we have about two more years of trapping that
7 we can allow on that population without necessarily
8 hurting the long-time viability of the species, and then
9 allow -- and then we cut back on the harvest pressure
10 through restriction in trapping seasons and maybe bag
11 limits, and reduce the pressure on that. The ultimate
12 goal is to try and protect a few animals during the low
13 part of the cycle so that we have breeding animals to
14 repopulate once the hares start back up in their cycle.
15

16 This was first created or first devised
17 for lynx in Canada, and in 1998 the Department adopted
18 this strategy for much of Southcentral Alaska, and we've
19 been using it ever since. While I was a biologist on the
20 Kenai Peninsula, we used it, and now in my position on
21 the -- in the Matanuska Valley, we use it up there.
22

23 One of the I think important components
24 of this, it's considered an expert system model in that
25 -- and we consider everybody's input part of the expert
26 input. We cannot make decisions until we first talk to
27 our trappers, and so the input that we get based on hare
28 cycle, on lynx cycles, on number of animals out there, we
29 gather all that information from the trappers themselves.
30 In most situations, I think there's only one place that
31 I'm aware of in Southcentral that actually collects hare
32 information, where they go out and they trap snowshoe
33 hares to get an index of their population estimate. The
34 rest of the State, we rely on trappers, to see how many
35 lynx on your line. Have you seen lots of tracks? Do you
36 think bunnies are coming up? And the trappers will give
37 us all that information, and we'll consolidate that
38 information.
39

40 We'll also look at the biological side of
41 the lynx. We measure the lynx that are sealed, and we
42 get an indication of the percentage of kittens, the
43 percentage of females in the harvest, and once we gather
44 all that information, we put it into a matrix in a
45 computer, and we pretty much know already that, okay,
46 lynx numbers are going down. Hare numbers have crashed.
47 Maybe we should be backing off at this time, and so the
48 recommendation comes out, you know, do we completely
49 close the season, like we have done on the Kenai
50 Peninsula, and also in the Matanuska Valley right now, or

1 do we shorten the season like we have done in some of the
2 areas.

3

4 That kind of becomes a give and take
5 between the area managers, and it's based on the
6 information that came to them through the past trapping
7 season. Once we have all that information, then we make
8 the recommendation to shorten our season or change our
9 season, and it's my understanding that this Board has
10 done the same thing and followed the State system for --
11 since the mid 90s.

12

13 I'll stop there. I'll answer any
14 questions, if you have questions, and hope that helps

15

16 MR. BISSON: Mr. Chairman, I have a
17 question.

18

19 CHAIRMAN DEMIENTIEFF: Go ahead.

20

21 MR. BISSON: What is the timing of these
22 decisions that you're making? When does -- when do you
23 get the data in, and when do you make the decision on the
24 next season?

25

26 MR. DELFRATE: Thank you, Mr. Chair. We
27 are just in the process of finalizing, or we just were in
28 the process of finalizing our decision for the next
29 trapping season with the information that we just
30 gathered within the last couple months. Most trappers
31 wait until the end of the season to bring in their furs
32 to seal, so we usually are gathering information in late
33 January, February, based on population status. We just
34 went through this exercise I think within the last two to
35 three weeks where we've been revising what we want.
36 We're also trying to make our printing deadline, and our
37 printing deadline for trapping regulations is real close
38 to right about now, and so we try to get everything
39 together just before we go to press so that we have these
40 regulations in the trapping regulation book. And the
41 actual emergency order that changes the season is written
42 sometime between now and July.

43

44 MR. BISSON: Mr. LaPlant, what is the
45 timing of the decisions? You know, you've listed a
46 number of decisions that were made in '98 through 2002.
47 When did OSM -- what part of the year did OSM actually
48 make those decisions and advise the trappers what that
49 was going to be?

50

1 MR. LAPLANT: Thank you, Mr. Chairman,
2 Mr. Bisson. Now, the process, and the timing for the
3 Federal decision is that once we receive the information
4 and the summary of data from the State, and in their
5 coordination with the trappers, we look at that
6 information and we prepare an analysis, a proposal
7 analysis to make whatever changes are. We compare that,
8 those changes, with the current federal regulations, and
9 determine what changes would be necessary under Federal
10 regulations. And we do an analysis document to explain
11 those changes, and the justification. We look at the
12 lynx strategy that the Department used, and we look at
13 the numbers and see if we agree. We do the coordination
14 with the local Federal managers, BLM, Park Service, refuge
15 managers, and do that local coordination, and then we
16 make the final recommendation for Tom's decision. We
17 usually do that, again, in late May, early June, and try
18 to get that accomplished so that it can go into our
19 regulatory books that come out the first of July.

20

21 MR. BISSON: Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Okay. Dan, you
24 had some other points you wanted to bring up?

25

26 MR. LAPLANT: Yes, Mr. Chairman. I just
27 wanted to respond to some of the other comments that were
28 made yesterday. One of the comments was made that --
29 whether the Board should be giving delegated authority to
30 the OSM and whether it's setting a precedent. So I
31 handed out earlier a table of all the delegated
32 authorities that the Board has given out over the course
33 of the program, and there's about three pages of those
34 delegated authorities. That's a table that I created
35 actually about a year ago, so it's not totally updated.
36 There are, for example, two more delegated authorities
37 that are on the consent agenda at this meeting. Those
38 delegated authorities are requests from Copper River
39 Native Association to provide BLM with authority to issue
40 culture camp permits for Ahtna Culture Camp, and the
41 Hudson Lake Cultural Recovery Camp. So there's two more
42 delegated authorities that will go on there. And then
43 the one you see lined out was one that the Board had
44 modified last August when they took the repeat culture
45 camp authority from OSM and gave it to the local field
46 managers. So as a result of that, there are two of them
47 that have gone to district rangers in Southeast for some
48 other culture camps. So that's a pretty complete list of
49 delegated authorities, and you see that OSM has been
50 delegated some authorities, as well as several field

1 managers.

2

3 The regulation in Section .10(d)(6)
4 states that the Board may delegate to agency field
5 officials the authority to set harvest and possession
6 limits, define harvest areas, specify permit
7 requirements, and open or close specific fish or wildlife
8 seasons within frameworks established by the Board. So
9 the table that you see there has those delegates
10 authorities in it.

11

12 Your framework that would be related to
13 this proposal is the window that's mentioned in the Staff
14 Committee recommendation. OSM wouldn't be able to extend
15 that season beyond I think it's November 10th to February
16 28th. That window or that framework is actually in the
17 lynx tracking strategy, that's why it wasn't stated
18 specifically in the original proposal, but the
19 modification from the Southcentral Council clarifies
20 that, and it states that in the modification. So anyway
21 that's the framework that would go along with this
22 delegated authority.

23

24 And probably the question is whether OSM
25 fits the definition of an agency field official, and I
26 don't have the answer to that. but that's for the Board
27 to decide I guess with legal counsel.

28

29 But another comment that was expressed
30 yesterday was asking for a legal review. I heard that
31 mentioned, that maybe there should be a legal review of
32 this. And I just also want to repeat what I said
33 yesterday, is that this proposal was a result of a
34 recommendation from the Solicitor's Office Staff to move
35 this delegated authority from the special action
36 regulations to Subpart D regulations, because they felt
37 it was more -- a more appropriate place for those
38 regulations, and it would put this delegated authority in
39 the same place in the regulation book as many of those
40 other delegated authorities that you see on that table.
41 So it was based on that recommendation.

42

43 Another comment that was made was that if
44 this delegated authority was given, it would result in
45 the public being left out of the process. I'd like to
46 say that the delegated authority is to allow for timely
47 adjustment of these seasons, and it doesn't preclude
48 anybody from submitted an RFR or a special action request
49 or a regulatory cycle proposal if they don't agree with
50 any of the decisions that's made through this delegated

1 authority, so it doesn't leave anybody out of, or prevent
2 anybody from being involved in the decision-making.

3

4 And again, as we develop these
5 recommendations for Tom, we do the local coordination
6 with the local Federal agencies, so there is that
7 coordination that takes place.

8

9 So anyway three options that I guess we'd
10 throw out there for the Board to consider, the first
11 option would be if you reject the proposal, and the
12 result of that or the effect of that would be that we
13 continue to operate the way we have been, using the
14 delegated authority under special action. And the
15 problem with that though is that the time it would take
16 to do the necessary public hearings and announce those
17 public hearings for those actions that would extend
18 beyond 60 days. Some of them don't go beyond 60 days,
19 but some of them do. For those to go through that
20 process, we would likely not have that change in the
21 annual regulatory book. So it's likely that some of the
22 regulations would never be current in the annual reg
23 book, so we'd have to disseminate that information out
24 every year to trappers through special news releases or
25 supplemental regulation books. So that -- you have that
26 option.

27

28 The other option would be to delegate the
29 authority to individual agencies, but because we're
30 talking about an area from the Kenai Peninsula over to
31 Cordova, on up to Fairbanks, all the roaded areas in
32 Southcentral and Interior Alaska, it would involve
33 several agencies, so it would involve a lot of
34 coordination. You could delegate it to one or two
35 agencies that would have to do that coordination. OSM
36 does that coordination through the analysis development
37 process. But that is an option if the board chooses.

38

39 And then the third option would be to
40 adopt this proposal as recommended by the Southcentral
41 and Eastern Interior Regional Advisory Councils, with
42 additional modifications to specify that the authority
43 applies only to trapping regulations, and that was a
44 shortcoming on our part. We should have specified that.
45 That was our intent to begin with, that it would only
46 apply to trapping. And then to require that OSM consult
47 with the Chairs of the Regional Councils as these annual
48 changes or annual adjustments are made, Mr. Chairman.

49

50

MR. TONY: Mr. Chairman.

1 MR. LAPLANT: I guess I'd.....
2
3 CHAIRMAN DEMIENTIEFF: Okay.
4
5 MR. LAPLANT:just like to add to
6 that the OSM recommendation is to go with option number
7 3.
8
9 CHAIRMAN DEMIENTIEFF: Thank you.
10 Additional discussion. Hearing none I -- oh, go head,
11 Paul, I'm sorry. Go ahead.
12
13 MR. TONY: What is option 3 again? I'm
14 sorry.
15
16 MR. LAPLANT: Option 3 is to adopt the
17 recommendation by the Regional Councils with the
18 modifications to specify specifically for trapping and to
19 include the Regional Council chairs in consultation
20 coordination as the decisions are made each year.
21
22 MR. TONY: Under this regulatory scheme
23 and the plan that you're following, how do you ensure
24 that the priority for subsistence uses is preserved when
25 you make changes to the regulations?
26
27 MR. LAPLANT: Well, the coordination is
28 done with the individual agencies, and I guess the
29 response to that is to the years that we've been doing
30 this, and making these adjustments, it seems to have been
31 working fine. We haven't received any complaints by
32 local subsistence users, and they certainly -- this
33 doesn't preclude them from submitting proposals and
34 recommending changes that are contrary to what we
35 recommend. So we look at the opportunities. Most
36 trappers are rural residents, but I guess that's the way
37 it's handled.
38
39 MR. EDWARDS: Mr. Chairman. Mr.
40 Chairman.
41
42 CHAIRMAN DEMIENTIEFF: Yes.
43
44 MR. EDWARDS: I think we have, you know,
45 been given a really good explanation of how the
46 delegation of authority works. It seems to me all we are
47 really being asked to do is put into regulation what has
48 been delegated since 1998, and has actually been
49 utilized, and in all cases it looks like it's been
50 utilized to the benefit of the users. There's --

1 certainly in this particular proposal, there's obviously
2 good checks and balances to ensure that this is done
3 properly, and we have two of the Councils that support it
4 with modifications, which I think everybody's in
5 agreement that those modifications are appropriate, and
6 I'm certainly prepared to vote in favor of option 3.

7

8 CHAIRMAN DEMIENTIEFF: Is that a motion?

9

10 MR. EDWARDS: It certainly can be, Mr.
11 Chairman. I guess I would move that the -- that we
12 support the proposal as amended by the Southcentral
13 Regional Council recommendation. I'm trying to think of
14 the exact words I would want, to delegate I guess by
15 regulation the authority to set seasons and bag limits
16 within season to the Assistant Regional Director for the
17 Office of Subsistence Management.

18

19 CHAIRMAN DEMIENTIEFF: And that includes
20 the trapping and the Regional Councils, Gary?

21

22 MR. EDWARDS: Yeah, that's correct. I
23 guess I was under the assumption that that was already in
24 there, in the Council's proposal, but.....

25

26 CHAIRMAN DEMIENTIEFF: Okay. Thank you.

27

28 MR. EDWARDS:whatever the Council
29 had suggested, I would concur with.

30

31 CHAIRMAN DEMIENTIEFF: Is there a second
32 to that motion.

33

34 MS. GOTTLIEB: I'll second.

35

36 MR. BISSON: So then it's the chair or
37 the Council's designee, right? Is that my understanding?
38 I just want to make -- clarify that point, because
39 sometime when we're working on these issues, we have
40 Council members that are on the ground and they delegate
41 that authority. But that does include this, as far as I
42 understand, is that correct?

43

44 CHAIRMAN DEMIENTIEFF: I don't know who
45 can answer that.

46

47 MR. ARDIZZONE: Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

1 MR. ARDIZZONE: It's just been pointed
2 out to me that in fact we've got different -- currently
3 have different opening dates for the season. One is
4 November 1st. And what is in this motion right now I
5 think is November 10th. I thought we had some discussion
6 yesterday about trying to make those dates consistent,
7 and moving that, pushing that date back to November 1st
8 instead of November 10th.

9
10 CHAIRMAN DEMIENTIEFF: Chuck, can you
11 clarify that as far as.....

12
13 MR. ARDIZZONE: I think Mr. Fleener
14 brought up yesterday that some of the seasons start
15 November 1st, and some go through February 28th I
16 believe. So you might want to extend that window to
17 include -- so we don't have to make changes that are
18 already in place.

19
20 CHAIRMAN DEMIENTIEFF: Okay.

21
22 MR. LAPLANT: Mr. Chairman, I would
23 recommend that that be modified to say November 1 through
24 February 28th for the window that the Board is
25 authorizing OSM to set regulations within. November 1.

26
27 MR. BISSON: Mr. Chairman, I would like
28 to offer an amendment to the motion.

29
30 CHAIRMAN DEMIENTIEFF: Go ahead.

31
32 MR. BISSON: To extend that date from
33 November 1 to February 28th.

34
35 CHAIRMAN DEMIENTIEFF: There's a motion
36 to amend, is there a second.

37
38 MR. EDWARDS: Second.

39
40 CHAIRMAN DEMIENTIEFF: Discussion on the
41 amendment.

42
43 (No comments)

44
45 CHAIRMAN DEMIENTIEFF: Hearing none, all
46 those in favor of the amendment please signify by saying
47 aye.

48
49 IN UNISON: Aye.

50

1 CHAIRMAN DEMIENTIEFF: Those opposed,
2 same sign.
3
4 (No opposing votes)
5
6 CHAIRMAN DEMIENTIEFF: Motion carries.
7 We now have the main motion as amended before us. Is
8 there further discussion.
9
10 MR. TONY: Mr. Chairman.
11
12 CHAIRMAN DEMIENTIEFF: Yes.
13
14 MR. TONY: As I said yesterday, you know,
15 one of my concerns is that the lynx harvest management
16 strategy may not be designed to protect rural subsistence
17 users, and since, you know, the listed management units
18 are all basically highway accessible units, there's an
19 implication here that the primary users are urban users
20 that are coming from Anchorage and Fairbanks. But I
21 guess, you know, I'm a little bit more at ease that
22 there's going to be consultation with the affected RAC
23 chairs and that subsistence users do have I guess the
24 ability to bring proposals subsequent to this. So I'll
25 support the motion.
26
27 MS. GOTTLIEB: Mr. Chair.
28
29 CHAIRMAN DEMIENTIEFF: Yes.
30
31 MS. GOTTLIEB: Maybe I can ask a question
32 about the strategy itself. Does the strategy provide --
33 provides data on populations and harvest, but does -- but
34 is it then up to the analyst to set seasons or bag limits
35 based on that data?
36
37 MR. LAPLANT: Ms. Gottlieb, through the
38 Chair, the strategy does answer the biology question, or
39 the wildlife management question, and, correct, it would
40 be up -- it would be through the OSM analysis document
41 and analysis process to bring in the rural priority part
42 of the decision. That has not been an issue in the past.
43 There has been no statements made that rural users were
44 not receiving adequate priority. But if that case did
45 occur, that's where it would be addressed in the OSM
46 analysis, so it would be combined with the wildlife
47 management information and recommendation, and together
48 presented to Tom for the decision.
49
50 CHAIRMAN DEMIENTIEFF: Any other

1 discussion on the motion. Go ahead, Steve.

2

3 MR. KESSLER: I guess I am still curious
4 from legal counsel whether agency field official would
5 include the Assistant Regional Director for Subsistence
6 Management, and -- so in other words, is -- are we
7 resting that authority in the right entity in this
8 regulation.

9

10 MR. GOLTZ: I would say we are if the
11 Board says we are.

12

13 MR. EDWARDS: And also would it help if
14 we say that OSM is a field office and not part of the
15 Regional Office? Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Well, yeah, I
18 think -- I totally support Paul's view that the Board --
19 I mean, the RAC chair or the RAC's designee is now
20 participating in the process. I think that lends a lot
21 of credence to the process, that it's not a total -- and,
22 honest, Tom, we're not trying to point you guys out to be
23 bad guys, but the -- you know, that we are doing -- we're
24 not doing this in a vacuum as a Staff process, that we
25 are making sure that people are involved with the
26 process, because especially when things are moving
27 rapidly, the people that are on the ground are the people
28 that notice the changes more quickly than all of our
29 biologists can. And if they're included in the process,
30 then it's really easy for me to support. Yes, John.

31

32 MR. LITTLEFIELD: I can see the writing
33 on the wall, but I still want to comment a little bit if
34 I could. If you look through this delegated authorities,
35 and the wildlife, and if you look in the delegated
36 authority column and delegated to, you will find that
37 every one of those individuals is a field individual with
38 their hands on the pulse of what's happening out there. I
39 have absolutely no problem with the district ranger from
40 Craig who lives there making a field special action about
41 what happens there, because he understands what's going
42 on. Those people are field employees that know what's
43 happening. And to call the Office of Subsistence
44 Management by just saying it's a field office, misses the
45 point of what the intent was here. The intent was that
46 the people who are most familiar with what's happening in
47 the field would make that decision. And I just wanted to
48 make that distinction. If you look through this list,
49 other than lynx, there are no delegations to anyone other
50 than a field manager who is actually out there, and I

1 believe that's the correct way to do it.

2

3

Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Yes, sir. And
6 that's -- we are not going to make a move until we
7 consult with those people and the RAC, and really in that
8 instance it's built from the ground up. Any decision or
9 any action that may happen will not happen without those
10 things that we're talking about. Further discussion.

11

12

(No comments)

13

14 CHAIRMAN DEMIENTIEFF: Hearing none, all
15 those in favor of the motion as amended please signify by
16 saying aye.

17

18

IN UNISON: Aye.

19

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22

23

(No opposing votes)

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Proposal 37 I believe.

MR. ARDIZZONE: Mr. Chair, once again
Chuck Ardizzone. Proposal 37 will be found on Page 249,
and the corresponding map will be found on Page 4 of your
map supplement.

Proposal WP04-37 was submitted by the
State of Alaska, and requests Federal harvest dates for
marten trapping in Unit 13(E) be extended by 28 days, and
that the sealing requirements for marten pelts harvested
in 13(E) be rescinded. The proponent requests that the
harvest regulations for marten trapping be changed to
align with existing State seasons This would allow for
additional trapping opportunity in remote parts of 13(E)
once rivers freeze up.

Marten numbers in Unit 13 peaked in about
1988 and have fluctuated annually since. Marten
abundance estimates are developed from trapper
questionnaires. Trappers with trap lines located in
favorable marten habitats reported marten to be abundant
between 1995 and 1996, but only common between 1997 and
2002.

1 Marten harvest data are not obtained on a
2 unit-wide basis. Sealing of marten has been required in
3 Unit 13(E). Between 1992 and 2002, annual harvest from
4 Unit 13(E) averaged 68 marten. Males consistently
5 predominated in all harvest years. The annual harvest of
6 31 to 93 marten from Unit 13(E) is considered
7 biologically insignificant to the population and the
8 shortened season in 13(E) is unnecessarily restricting
9 harvest opportunity.

10
11 This proposed change would reduce
12 confusion among Federal subsistence trappers by aligning
13 State and Federal regulations. This proposal would allow
14 additional opportunities for Federally-qualified
15 subsistence users to harvest marten by lengthening the
16 season in the portion of Denali National Park not closed
17 to subsistence activities, since State regulations do not
18 apply there. This proposal would also remove the sealing
19 requirements for marten in 13(E). Currently the marten
20 population is considered stable, and the current harvest
21 is considered sustainable. Mr. Chair.

22
23 CHAIRMAN DEMIENTIEFF: Thank you.
24 Written public comments.

25
26 MR. MIKE: Thank you, Mr. Chair. Donald
27 Mike, counsel coordinator. We received two written
28 public comments. As I stated yesterday, the Ahtna --
29 Copper River Native Association/Ahtna, Incorporated
30 changed their position on Proposal WP04-37. They
31 basically -- the Copper River Native Association
32 basically supports 37 with modification to keep the
33 sealing requirements.

34
35 The Denali National Park and Preserve
36 Subsistence Resource Commission supports the proposal as
37 amended to extend the marten trapping season by 28 days.
38 The Commission unanimously voted to amend this proposal
39 to retain the marten sealing requirements.

40
41 The proposal would provide additional
42 opportunity for subsistence users, would have minimal
43 impact on the marten population, which is considered
44 stable, and would align the Federal and State
45 regulations. The Commission believes that it is
46 critically important to retain the sealing requirements
47 because it provides important biological data needed to
48 monitor this species. This biological data is an
49 important tool for managers and advisory groups and is
50 too important to lose.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. We
4 have no additional requests for public testimony at this
5 time. Regional Council recommendation.

6

7 MR. LOHSE: The Southcentral Regional
8 Council supported this proposal. In our discussion, we
9 had a lot of discussion on sealing requirements, and
10 while we were in favor of it at that time, nobody was
11 really coming forward to say that they would do the
12 sealing requirements. The State and Federal were both
13 kind of reluctant on it. I understand at this point in
14 time the Federal Park Service has said that they would be
15 willing to manage the sealing requirements, and I don't
16 think any Council member would find that objectionable.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. Staff
19 Committee.

20

21 MR. RABINOWITCH: Thank you, Mr.
22 Chairman. The Staff Committee supported the proposal
23 with a modification to maintain the sealing requirement
24 that Ralph, excuse me, was just speaking about. And on
25 Page 247 of your Board Book, the proposed language is
26 laid out.

27

28 And I think I've discovered a small error
29 in the text on that page, and I suggest that we can
30 probably work out the error, but there's a reference to
31 sealing being done by an authorized representative of
32 ADF&G. If the sealing were done by, of course, a Federal
33 person, then that language wouldn't be quite right, so I
34 think we need to fine tune that.

35

36 And the text also says in accordance with
37 State regulations. I think that's an error. It would
38 need to say in accordance with Federal regulations. So
39 there's two small errors to be worked out on that page.

40

41 The justification of the Staff Committee
42 is the proposal as has been said would reduce confusion
43 by aligning the State and Federal seasons. There would
44 be minimal impact on the marten population. The Denali
45 Subsistence Resource Commission was in support of this,
46 and did recommend maintaining the sealing requirement at
47 least for that portion that occurs within Unit 13(E) in
48 Denali National Park. And as Ralph has already beaten me
49 to the punch, since the tie of that Council meeting, the
50 Park Service has been able to step forward and

1 volunteered to do that work if the Board so chooses.

2

3

Thank you.

4

5 CHAIRMAN DEMIENTIEFF: I'd just ask if
6 there's any -- since we don't have a motion, you know,
7 we're not there yet, we haven't heard from the
8 Department, and I just want to warn the Department that
9 we're going to be expecting some comments on the
10 corrections.

11

12 But let me just back up real quickly here
13 and say -- as Ralph, do you see any objection to the
14 corrections?

15

16 MR. LOHSE: Oh, definitely not, because
17 those corrections aren't onto the motion that we were
18 doing, and as far as we were concerned, if somebody was
19 willing to do the sealing, we would be happy to have them
20 do the sealing. The State Department of Fish and Game at
21 that time was talking about limited funds, and that they
22 didn't think that they would be able to me. To me, I
23 don't see any Council member objecting at all to having
24 the Park Service doing the sealing. And you'd have to
25 change the wording of the proposal to reflect that.

26

27 CHAIRMAN DEMIENTIEFF: Yeah. I at this
28 time will call on the Department for any comments you
29 might have.

30

31 MR. HAYNES: Thank you, Mr. Chairman.
32 The Department supports adoption of this proposal,
33 because it would align the State and Federal regulations,
34 and provide additional marten trapping opportunity for --
35 in Unit 13 for Federally-qualified subsistence users.
36 And as we mentioned to -- at the Southcentral Regional
37 Council meeting, if the National Park Service wants to
38 seal marten there, we have no problems with that. The
39 Department believes we can get the data we need for
40 management through the trapper questionnaire that is
41 distributed after the season, but we did not object to
42 the Park Service taking over that responsibility if they
43 want to do that.

44

45 CHAIRMAN DEMIENTIEFF: Okay. We'll
46 advance to discussion at this point.

47

48 MR. BISSON: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. BISSON: In looking -- I'm assuming
2 what we're talking about is potentially a motion that's
3 based on what's on Page 247, and I'm trying to determine
4 exactly where -- how this relates to specifically 13(E).
5 It lists some other units in this language, including the
6 problem with, you know, needing to make it specific to
7 Federal regulations, and ADF&G, but I'm trying to relate
8 to whether what we're doing is giving the Park Service
9 authority to seal all these units, or just 13(E)? I
10 mean, it seems to me what we're doing ought to be only
11 specific to 13(E). This seems to be broader than that.
12 Or this language is anyway.

13
14 CHAIRMAN DEMIENTIEFF: I don't know who
15 wants to respond to that, but -- Ralph?

16
17 MR. LOHSE: Mr. Chair. I'm sure from
18 Council's standpoint that all we were talking about was
19 13(E). And it would be very simple to do. You could
20 just -- you can just delete everything in there, and just
21 say that you may not possess or transport from Alaska the
22 untanned skin of a marten taken in Unit 13(E) unless
23 sealed by, you know. The rest of that stuff is not
24 needed in -- as part of this proposal, and we did not
25 discuss any of the rest of this stuff, or giving
26 authority to the Park Service to tag the rest of the
27 stuff, either.

28
29 CHAIRMAN DEMIENTIEFF: Chuck.

30
31 MR. ARDIZZONE: Mr. Chair, this is
32 current language which we have, which covers all the
33 units in the State, which is on Page 247. I believe Mr.
34 Lohse is correct, you could make a -- just delete this
35 paragraph and make a unit specific for 13(E), some
36 language. This is the way we work in the rest of the
37 State.

38
39 MS. GOTTLIEB: Mr. Chair.

40
41 CHAIRMAN DEMIENTIEFF: Yes.

42
43 MS. GOTTLIEB: Well, I think what's
44 confusing is we don't really have the language then for
45 13(E) in front of us, so I don't know if that can be put
46 up on the screen or produced for us. I guess our comment
47 is that we appreciate that the Denali Subsistence
48 Resource Commission is interested in retaining the data
49 gained by sealing. Apparently there's pretty much only
50 one trapper in the area of Denali National Park and

1 Preserve. He's already complying by bringing in the
2 pelts for sealing, and so we're more than glad at the
3 Park to continue doing that. So as appropriate when we
4 have maybe the wording in front of us, I'll make a motion
5 to support the Southcentral Council with the amendment or
6 modification that sealing in 13(E) continue.

7
8 CHAIRMAN DEMIENTIEFF: And I'm assuming
9 in making your motion that we're accepting also the
10 corrections that Staff had pointed out?

11
12 MS. GOTTLIEB: Uh-huh. (Affirmative)

13
14 CHAIRMAN DEMIENTIEFF: Which nobody
15 seemed to object to. Okay. Is there a second to the
16 motion?

17
18 MR. TONY: Second.

19
20 CHAIRMAN DEMIENTIEFF: Okay. Discussion
21 on the motion.

22
23 MR. EDWARDS: Yeah, Mr. Chairman, I guess
24 I don't have a problem supporting the motion. I guess
25 I'm having a little difficulty understanding really what
26 the value is of separating out this one unit. If we only
27 have one trapper, it doesn't seem that the data is going
28 to do a whole lot to tell us anything with regard to
29 status and trends. And I don't know -- how does the Park
30 Service use their sealing data in the past?

31
32 MS. GOTTLIEB: Mr. Chair. You know, we
33 have so little data on the myriad of resources that we
34 have that any data, whether it's even one data set is
35 really very helpful to us. And so I think we use it in
36 these discussions, and in the general inventory of the
37 park. Maybe some of the Park Staff or Sandy have
38 additions to that, but that's my impression.

39
40 CHAIRMAN DEMIENTIEFF: Terry.

41
42 MR. HAYNES: Mr. Chairman, perhaps one
43 question that would be helpful is whether if this
44 proposal is adopted, if the Park Service is wanting to
45 use the State's sealing process or if the Park Service
46 intended to develop its own process. You know, the State
47 obviously had forms and procedures that it has used, and,
48 you know, we wanted to have consistency in how this
49 information is reported or recorded, I don't know if that
50 needs to be clarified in the proposal, in the wording or

1 not, but we could have Staff discuss our process a bit if
2 that was -- would be useful.

3

4

CHAIRMAN DEMIENTIEFF: Sandy.

5

6

MR. RABINOWITCH: I would point out that
7 this isn't something that the Park Service was
8 particularly seeking. The Staff Committee I think like
9 the Council had a lot of discussion about this, and
10 understanding that there was some interest in maintaining
11 the sealing requirement, we checked with local Staff in
12 Denali about whether they would be willing to take this
13 duty on, and their response was that they could do that.
14 They saw it as a very small task.

15

In response, Terry, to your question, I'm
16 quite confident that Hollis Twitchell will be happy to
17 cooperate fulling with you. You know, we don't have any
18 big plan in place about how to do this, and I'm sure that
19 it would be quite simple to work out, just cooperating
20 completely. And I'll make sure he's aware of that.

21

22

MR. BISSON: Mr. Chairman.

23

24

CHAIRMAN DEMIENTIEFF: Yes.

25

26

MR. BISSON: Is what we're seeing on the
27 screen what we're -- is that what the motion is?

28

29

CHAIRMAN DEMIENTIEFF: I don't know, I'm
30 watching the game.

31

32

MR. BISSON: They're behind two to one,
33 sir.

34

35

CHAIRMAN DEMIENTIEFF: Actually, to tell
36 you the truth, I can't read it and.....

37

38

MR. BISSON: Yeah. The concern I have is
39 that I'm looking at -- I think what I'm seeing are
40 inconsistencies. You know, basically we're saying all of
41 these units, including 13(E) in accordance with State and
42 Federal regulations. Well, is there a Federal regulation
43 regarding sealing for martens? But the context of that
44 regulation has to do with -- well, I guess you're right.

45

46

The other question I had for Mr. Haynes
47 was whether this isn't simply a case of a Park Service
48 employee becoming an authorized representative of ADF&G
49 and doing the sealing. Why are we going through the
50

1 process of creating this additional requirement when in
2 fact if you have the authority to do it, all we have to
3 do it is list 13(E) in here exactly as it was proposed.

4

5 CHAIRMAN DEMIENTIEFF: Judy. Oh, I'm
6 sorry. Wayne.

7

8 MR. REGLIN: Mr. Chairman, the Department
9 of Fish and Game stopped requiring sealing for marten in
10 this area, because the data were of very little value.
11 We didn't need to, so there was no sense in putting all
12 of the trappers through an exercise of bringing their
13 pelts into be sealed if we didn't need the data, because
14 we get just as reliable data from other sources, and I
15 think you can, too. We share all of that information
16 with everyone, so there just wasn't any sense in
17 requiring the sealing. We tried to -- there's no reason
18 to require somebody to go through that effort.

19

20 MS. GOTTLIEB: Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Yes.

23

24 MS. GOTTLIEB: Our Subsistence Resource
25 Commission to Denali National Park was the one who
26 requested that the sealing requirement be retained, and
27 so they haven't seen it I guess as a burden, because I
28 think as I said there's only maybe one or two or three
29 people doing any trapping in that area. And I think the
30 main point of this regulation was to extend the season
31 which everybody is in agreement with.

32

33 CHAIRMAN DEMIENTIEFF: The -- you know,
34 the fact of the matter is I do know -- actually I went to
35 school with the main trapper that would be affected by
36 this, not that he's the only one, and I just think the
37 spirit of cooperation between the Park Service and the
38 primary trapper, it's just worked out really -- or they
39 have developed a relationship, and whatever information
40 the Park Service needs, I think he pretty much complies
41 with. And I do stay -- like I said, he's a classmate of
42 mine, and I do stay in touch with him, you know, very
43 closely, and he's real happy the way things are worked
44 out. And the more information I think we've got then the
45 better off we are. Go ahead.

46

47 MR. KESSLER: Mr. Chair. I think it's
48 very important that we maintain this sealing requirement
49 here. I think of the discussions that we've had earlier
50 in this meeting on Chichagof Island where it's important

1 that we not only have this sealing, but also gathering
2 the other information through necropsies that was
3 explained by some of the Staff, and that this allows for
4 long-term better management of marten trapping. And
5 although the areas outside of the 13(E) and the park
6 would not have sealing, I still think that it's
7 beneficial to have that sealing requirement in this area
8 that's proposed, and sealing is required to the south in
9 the adjacent unit also. So I'm going to support this
10 proposal.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. Any
13 other discussion. Yes.

14
15 MR. TONY: Is the current motion to have
16 the sealing continue -- or retain the sealing?

17
18 MS. GOTTLIEB: (Nods affirmatively)

19
20 MR. TONY: Okay.

21
22 CHAIRMAN DEMIENTIEFF: Craig.

23
24 MR. FLEENER: Thank you, Mr. Chair. I
25 realize this is way out of my region, but I have a lot of
26 interest in trapping and a lot of interest in supporting
27 trappers, and so I just thought I'd have to talk about
28 this a little and ask a couple questions maybe. Am I
29 understanding it right to -- that this regulation will
30 really be impacting one trapper? Are we actually
31 imposing a Federal regulation what's going to
32 specifically only deal with one person? And in addition
33 to that, it seems to me if there's already a good spirit
34 of cooperation as was pointed out between the trapper and
35 the agency, that you just work with that individual. I
36 think the additional, unless this guy likes more work,
37 the additional burden of having to bring your furs in to
38 have them sealed, unless he becomes your sealing agent,
39 then it's not so bad. I was a sealing agent at Fort
40 Yukon, so I could seal all my own furs. It was no big
41 deal. But if this guy is going to have to come into a
42 field office somewhere and have his stuff sealed, that's
43 an additional burden that's going to -- that means
44 additional expense.

45
46 And I'm not sure what kind of seal you're
47 going to use, but marten, you know, if you're going to
48 put the seal through their eye, or I'm not sure where
49 you're going to put it, it's going to damage the fur.
50 It's not like a beaver that has big holes you can shove

1 those big plastic seals through. So I think there's
2 going to be some potential damage to pelt as well by
3 requiring the seals, unless you make them a metal locking
4 tag which are -- which do less damage.

5
6 It seems to me that the trapper surveys
7 have been pretty effective in our region, especially for
8 something like Marten, and I'd just hate to put an
9 additional burden on a trapper. Now, if you had a lot of
10 trappers and there was as lot of impact, and you were
11 very concerned, then, you know, I may not have the same
12 opinion about the situation, but to make a regulation, to
13 change a regulation book for one individual, and make an
14 additional burden on the trapper for one species I think
15 might be a little too much.

16
17 Thank you.

18
19 MS. GOTTLIEB: Mr. Chair.

20
21 CHAIRMAN DEMIENTIEFF: Judy.

22
23 MS. GOTTLIEB: Thanks. And thank you,
24 Craig. currently the sealing requirement is in place, so
25 the trapper has been reporting and getting his materials
26 sealed. Our intent, again at the request of our
27 Subsistence Resource Commission, not at the agency
28 request, is for our subsistence manager to go to the
29 trapper and do the sealing right wherever he is. Our
30 Subsistence Resource Commission the values information
31 because several years ago, for those of you who might
32 have been at the meeting, some of their proposals --
33 excuse me. There was a proposal to remove a traditional
34 wolf trapping area to provide a buffer zone to Denali
35 National Park, and the Subsistence Resource Commission
36 and the RACs opposed that very vigorously, and one of the
37 many reasons that they were very successful, and Ron
38 probably remember this, is because we had good data. So
39 that Subsistence Resource Commission, like most of ours,
40 really value any data we can collect, I think with the
41 long-term view of needing that data for protecting their
42 subsistence rights. So I believe for that Commission
43 that's a lot of what's behind it, too, and it will -- I
44 mean, it will be a little bit of an extra workload for
45 us, so we're not pushing it, but it's what the Commission
46 wants, and that's why we're willing to do it, and I'm
47 sure if they're unhappy with it, we can look at it again
48 next year.

49
50 CHAIRMAN DEMIENTIEFF: So really by

1 adopting the proposal we are providing relief to that
2 particular trapper, especially since when he goes home,
3 he only lives a couple of miles away from the
4 administrative offices, as opposed to having to go and
5 comply with the State, it is a relief actually. The way
6 I'm understanding the Park Service is that it's going to
7 be actually more convenient for him to report. Ralph.

8
9 MR. LOHSE: Just for a little information
10 for Craig, we've sealed marten, and marten seals are
11 basically a spaghetti tag that you tie. They're just a
12 little thin piece of rubber tubing that you just stick
13 through the eye and tie. And they're no problem. They
14 don't hurt anything, and they're real easy to put on.

15
16 MR. FLEENER: Yeah, I'm worried.

17
18 CHAIRMAN DEMIENTIEFF: Is that what's in
19 my marten hat? Further discussion.

20
21 (No comments)

22
23 CHAIRMAN DEMIENTIEFF: Hearing none, all
24 those in favor of the motion please signify by saying
25 aye.

26
27 IN UNISON: Aye.

28
29 CHAIRMAN DEMIENTIEFF: Those opposed,
30 same sign.

31
32 (No opposing votes)

33
34 CHAIRMAN DEMIENTIEFF: Motion carries.

35
36 MR. BISSON: There was an amendment
37 passed.

38
39 CHAIRMAN DEMIENTIEFF: Yeah. 38. Oh,
40 and then also the other thing I wanted to note is
41 apparently according with some of Mr. Littlefield's
42 discussions, apparently there's been a coup that happened
43 overnight, because I was reaching for my gavel, and it's
44 over in Tom's court. 38.

45
46 MR. ARDIZZONE: Mr. Chair. WP04-38 is
47 found on Page 256, and we'll be referring to the map on
48 Page 5 of your supplement. Proposal WP04-38 was
49 submitted by David McHoes and requests Federal dates for
50 marten trapping in Unit 16 be extended by 28 days. The

1 proponent feels that the early part of the season, 10
2 November through 20 December is unproductive as weather
3 and river conditions are not conducive to running trap
4 lines. Extending the season into February would allow
5 more time to harvest marten when access in the area is
6 better due to better travel across frozen rivers when
7 conditions are safer.

8
9 And I believe the lands we're really
10 going to be concentrating on would be the Denali National
11 Preserve. If you look at the map on Page 5, you can see
12 it's the lightly shaded Denali National Preserve near the
13 top of the map. That's where David does most of his
14 trapping.

15
16 One of the best ways to monitor the
17 effects of harvest on marten populations is to examine
18 the age and sex ratios of the animals harvested.

19
20 The status of marten populations in Unit
21 16 is not fully known. However, the recent recorded high
22 harvest of marten in 2001 and 2002 may be indicative of a
23 peak in the marten cycle.

24
25 Even though the exact percentage of
26 females in the harvest is not known, it is estimated that
27 less than 33 percent of the harvested marten in Unit 13
28 (sic) are females, which currently does not constitute a
29 conservation concern.

30
31 The proposal, if adopted, would allow
32 more opportunity for Federally-qualified subsistence
33 users to harvest marten. Extending the season 28 days
34 when travel and weather conditions are better, could
35 cause an increase in the marten harvest. However, very
36 few individuals harvest marten on Federal public lands
37 affected by this proposal.

38
39 Currently marten populations appear to be
40 healthy and the population seems to be relatively stable.

41
42 Current harvest level should be
43 sustainable. An extended season should have minimal
44 impact on the marten population.

45
46 Changing the harvest season in Unit 16
47 would cause State and Federal regulations to diverge, and
48 could cause problems with law enforcement since a large
49 portion of the unit is state land, and trappers could
50 harvest animals on state land during the state's closed

1 season and report them as being harvested on Federal
2 lands.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7 Written public comments.

8

9 MR. MIKE: Thank you, Mr. Chair. We
10 received one written public comment. The Denali National
11 Park and Preserve Subsistence Resource Commission
12 supports the proposal. The majority of the 22.6 percent
13 of National Park Service lands in Unit 16 are high in the
14 mountains of the Alaska and Chigmit Mountain Ranges well
15 above the marten habitat. The data presented in this
16 analysis is almost exclusively from non Federal lands.
17 Only a couple of trappers are known to be active on Park
18 Service lands, and while their marten harvest are unknown
19 at this time, we believe it to be minimal. It is very
20 difficult to access these lands in the fall and early
21 winter due to open rivers and deep snow conditions. The
22 Commission believes there is no biological reason to
23 shorten the marten season in Unit 16(B).

24

25 Thank you, Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. We
28 have no additional requests for public testimony.

29 Regional Council recommendation.

30

31 MR. LOHSE: The Southcentral Regional
32 Council supported the proposal as presented. Basically
33 on the information that we received from the land manager
34 from the National Park Service, the limited impact both
35 to the marten population, the limited amount of people
36 that trap there, basically from what I understood it was
37 one, and the fact that we understand rivers, and rivers
38 -- if the whole access to the area is by river, rivers
39 don't freeze until late in the winter to get safe. So
40 basically if the season's an early season, a lot of that
41 country would never have access to it. So we supported
42 the proposal.

43

44 CHAIRMAN DEMIENTIEFF: Thank you very
45 much. Staff Committee.

46

47 MR. RABINOWITCH: Thank you, Mr.
48 Chairman. The Staff Committee recommendation is on Page
49 254. Staff Committee supported the proposal, consistent
50 with the Southcentral Regional Council recommendation

1 that you just heard. And the justification of the Staff
2 Committee tracks right along with the Council, so I won't
3 read that into the book at this time.

4

5 Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Department
8 comments.

9

10 MR. HAYNES: Mr. Chairman, the Department
11 does not support this proposal. The proposal would
12 extend the closing date for marten trapping under the
13 Federal subsistence regulations in Unit 16 from January
14 31st to February 28th. The area affected would include
15 portions of the Denali National Park additions and
16 preserve in Units -- as well as BLM and Lake Clark
17 National Park lands.

18

19 The current State and Federal trapping
20 season dates are the same in Unit 16(B), while the
21 Federal season in Unit 16(A) is one month longer than the
22 corresponding State season in the sub unit. The
23 Department objects to that proposed season extension due
24 to conservation concerns and user-related issues.

25

26 Beginning in the early 1990s, Department
27 Staff consulted with local trappers to determine
28 appropriate marten trapping season length and timing in
29 Unit 16. Most local trappers preferred an earlier season
30 to avoid competition with non-local trappers, and said
31 that marten fur was prime by the current November 10
32 season opening date. These trappers also believe that a
33 three month season provided sufficient marten trapping
34 opportunity.

35

36 Adoption of this proposal would be
37 inconsistent with the recommendations of those trappers
38 in Unit 16(B).

39

40 The reported harvest of marten, the
41 number of marten trappers and average take per trapper in
42 Unit 16 all have increased substantially during the past
43 decade. However, a review of the sealing records for
44 Unit 16(B) from 1992 to present reveal that no marten
45 have been reported as taken from any of the Federal lands
46 in Unit 16(B), including the southwestern portion of the
47 Denali National Park and Preserve. Extending the season
48 by one month may result in more female marten being
49 taken, which could have long-term consequences on marten
50 production and productivity.

1 Finally, a Federal marten trapping season
2 in Unit 16(B) that is longer than the corresponding State
3 season may create enforcement problems since trapping
4 could only take place on Federal public lands during the
5 Federal season when the State season is closed.

6
7 And our area biologist from that area is
8 here if the Board has questions about our position on
9 this proposal.

10
11 CHAIRMAN DEMIENTIEFF: Thank you very
12 much. With that we'll advance to discussion. Paul, have
13 you got something?

14
15 MR. TONY: Yeah, the information I have
16 quotes your area biologist as saying that there's record
17 high harvests in 2001, 2002, and that the ratio or
18 percentage of females in the harvest does not currently
19 constitute a conservation concern.

20
21 MR. HAYNES: And I don't believe that's
22 inconsistent with what we said, that a conservation
23 concern could result with the season extension, if more
24 female marten were taken, that could then create the
25 concern that we have. Not that there is one yet.

26
27 MR. EDWARDS: Mr. Chairman.

28
29 CHAIRMAN DEMIENTIEFF: Yes.

30
31 MR. EDWARDS: Maybe a question either for
32 the State or for your biologist. I mean, given how
33 little Federal land that there really is in Unit 16(B),
34 and I think everybody's in pretty much agreement that
35 it's -- you know, it's not very accessible, and if there
36 is only one trapper, I mean, do we really think there's
37 going to be a significant increase if we have this few
38 additional days?

39
40 CHAIRMAN DEMIENTIEFF: Yes, Gino.

41
42 MR. DELFRATE: Thank you, Mr. Chair. We
43 really don't know what the impacts are going to be.
44 Granted, we have one trapper that currently uses that
45 area, but all rural residents are qualified to trap in
46 the area. This area has seen a two-fold, a doubling of
47 the marten trappers in just the last ten years, and the
48 interest in trapping in 16(B) has been increasing
49 substantially. It's possible that additional trappers
50 from the communities of Skwentna, possibly even Cantwell,

1 would be encouraged to go out and trap during this
2 season, and so we could potentially see that. Because we
3 don't complete marten surveys, we don't know what the
4 status of the marten population is on Federal land in
5 that area. Like Mr. Haynes had suggested is that we've
6 never had a marten specifically reported from Federal
7 land. All of the marten that have been taken in the
8 Yetna River drainages have just been that, they've been
9 reported as part of the Yetna River, so we don't know
10 where those marten come from.

11
12 MR. EDWARDS: I mean, you know, it seems
13 to me one approach certainly does, if, you know, this is
14 passed, you know, it will give us some indication, and
15 certainly we could go back and revisit it if in fact, I
16 mean, your fears actually, you know, come to be that if
17 we do. Because you have a method to determine if there
18 would be an increase both in participation as well as
19 harvest through your normal survey process anyway, right?
20

21 MR. DELFRATE: Yes, Mr. Chair, that's
22 correct. And we do -- we will maintain the sealing of
23 marten in both Federal and State land. We have tried to
24 keep out seasons similar in both the Federal and the
25 State system, and this is a strong divergence from that,
26 too.

27
28 CHAIRMAN DEMIENTIEFF: Judy.

29
30 MS. GOTTLIEB: Mr. Chair, I would move
31 that we support the Regional Advisory Council's
32 recommendation, and that is also consistent with our
33 Subsistence Resource Commission's recommendation.

34
35 CHAIRMAN DEMIENTIEFF: Is there a second
36 to the motion.

37
38 MR. TONY: Second.

39
40 CHAIRMAN DEMIENTIEFF: Well, I'll intend
41 very much to support the motion. Basically what we're
42 talking about is again it's the trapper that is using
43 that area. And knowing how -- the area in question.
44 Knowing how these things operate, and especially amongst
45 rural people, nobody moves in on somebody's trap line.
46 The only time it does actually happen is by airplane, you
47 know, by people from -- I'm sorry, Madam Secretary, I
48 didn't mean -- I wasn't getting out of line. But that's
49 the way it realistically happens, and so we need to just
50 keep that in mind that there is not going to be any

1 increased, otherwise the trapper will probably take care
2 of that intrusion by himself. Just the way it works. So
3 I intend to support the proposal.

4

5 MR. EDWARDS: Mr. Chairman, I'm also
6 prepared to support the proposal, but I would hope that
7 we would monitor it, and if in fact that there has been
8 an increase in other portions of 16(B), and as a result
9 of this extended seasons those individuals, which I guess
10 are also subsistence users, do show and are able to move
11 into this other area, that we would revisit this issue.

12

13 CHAIRMAN DEMIENTIEFF: Any other
14 discussion.

15

16 (No comments)

17

18 CHAIRMAN DEMIENTIEFF: Hearing none, all
19 those in favor signify by saying aye.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN DEMIENTIEFF: Those opposed,
24 same sign.

25

26 (No opposing votes)

27

28 CHAIRMAN DEMIENTIEFF: Motion carries.
29 Well, with that we complete our work on Southcentral, and
30 we can send Ralph back to -- you can send Ralph back to
31 fishing, and maybe this time at least he'll bring his
32 wife some fish.

33

34 (Pause)

35

36 CHAIRMAN DEMIENTIEFF: Well, before I get
37 bogged, I guess we'll have a short break.

38

39 (Off record)

40

41 (On record)

42

43 CHAIRMAN DEMIENTIEFF: Okay. We'll go
44 ahead and call the meeting back to order. We are now
45 moving into Western Interior. We have Proposal No. 55
46 before us at this time. Staff analysis.

47

48 MS. H. ARMSTRONG: Thank you, Mr. Chair.
49 My name is Helen Armstrong. I'm a cultural
50 anthropologist for the Office of Subsistence Management.

1 Proposal 55, which is on Page 460 in your
2 Board Book, was submitted by Andrew Brattrud, and it
3 requested the existing customary and traditional
4 determination for brown bear in Unit 24 be expanded to
5 include all residents of the Dalton Highway Corridor
6 north of the Yukon River. There is a map in the map
7 packet you have, map No. 6, and this is also displayed on
8 the screen. And Mike is just showing the arrow where
9 20(F) is, just a small portion there north of the Yukon
10 River that will be part of the discussion for this
11 proposal as well as for the next one, 82. The whole
12 Dalton Highway is under consideration, but 20(F) has some
13 particular discussion there. It's just a small part.
14

15 Proposal 55 originally requested that
16 Stevens Village, Tanana, Galena, Kobuk and Koyuk be added
17 to the C&T determination for brown bear in Unit 24, but
18 after the book was already printed, we had trouble
19 getting a hold of Mr. Brattrud, because he was at his
20 trapping cabin, so we couldn't discuss this with him.
21 After the book was printed, he agreed to narrow the
22 request and deleted those communities. So the C&T is
23 only consid -- this request is only considering expanding
24 the C&T to all residents of the Dalton Highway Corridor
25 north of the Yukon River, and does not include those
26 communities.
27

28 Currently the C&T for brown bear in Unit
29 24 specifically excludes all residents of the corridor
30 except for Wiseman. And this proposal would add those
31 communities of the corridor.
32

33 The only communities that you find along
34 the corridor, maybe Mike could go back to the map, is the
35 communities of Wiseman and Coldfoot. You can see that
36 they're 20 miles apart from each other. Other than that,
37 there are no communities along the corridor. From the
38 Yukon River all the way up to Prudhoe Bay, there are no
39 communities. Wiseman already has a positive C&T
40 determination for brown bear in Unit 24. The remainder
41 do not. Because Wiseman has a C&T, the focus will be on
42 Coldfoot, and those residents that live along the
43 corridor who are permanent year round residents.
44

45 As I think all of you know, the Dalton
46 Highway Corridor is administered by the BLM, and on my
47 map the color was a very light yellow, and it didn't come
48 out, so I'm -- it was on the map, but when it got put
49 into PowerPoint, it disappeared, so my apologies to BLM
50 for that.

1 The existing C&T for Unit 24 for brown
2 bear was originally adopted from the State. In 1997,
3 Proposal 58(b), Stevens Village had requested a positive
4 C&T only for brown bear for residents of Stevens Village
5 -- I mean only for residents of Stevens Village. The
6 Board denied that request to give it only to Stevens
7 Village, and added -- but they did add Stevens Village to
8 the existing determination for that portion of Unit 24
9 south of the Caribou Mountains. At that time, and I was
10 not the anthropologist working with those Councils, but
11 it's my understanding that the Councils worked very hard
12 in determining whether -- who else should have C&T, and
13 at that point they determined that it should -- they
14 should exclude the corridor.

15
16 There -- it was believed then that there
17 weren't any long-term permanent residents along the
18 corridor or in Coldfoot, and we had two Staff members who
19 then drove the highway and found out that that was not in
20 fact true. There have never been any studies done on
21 those people, but we did find that there's a family that
22 had moved from Wiseman to a place called Oldman, and that
23 family has been there for a long period of time, and they
24 are permanent residents there. And there were a
25 spattering of other people who lived along the corridor
26 as well.

27
28 We did talk to people in Coldfoot, and
29 Coldfoot is a community that has only recently gotten
30 large enough that it made the census in 2000. It was
31 originally established in 1900, then was abandoned in
32 1912, but there have been people living there off and on
33 over the past century. Today there are -- in Coldfoot
34 there are approximately 15 people living -- 15 adults and
35 three children living there permanently. There are about
36 40 people who live there on a seasonable basis. And I
37 think it was the seasonal people that made people
38 concerned about giving them C&T.

39
40 Along the corridor in Unit 24, I -- and
41 I'm not 100 percent sure this is accurate, but it was
42 from a resident of Coldfoot, she did some calling around
43 and checked, and she said there were eight people living
44 along the corridor in Unit 24.

45
46 As far as we knew, and the information
47 given to us at the time of doing the presentations at the
48 Council meeting, there weren't any people living in 20(F)
49 permanently year round, and as far as we know, there are
50 no people living in Unit 26 along the corridor, living

1 year round.

2

3

4 The focus of this presentation is on
5 factors 1, 2, 4, and 8, and the problem we have with this
6 is that outside of Coldfoot and the people living along
7 the corridor, no studies have been done. And it -- so it
8 makes it a little bit difficult, but because there's not
9 a shortage of the resource, we don't need to be concerned
10 with the individual users, and I've based my C&T
11 determination analysis on the uses of the people in the
12 region, which is in accordance with the direction I have
13 from our Solicitor. So what I did was I looked at what
14 people in Unit 24 were doing, and then made the
15 assumption that anybody along the corridor would be
16 following the same types of uses. And it's not much
17 different than if those people had been living in Wiseman
18 where there was C&T, then they would have -- they would
19 have C&T, so if they moved there, they would have C&T.

20

21 Except for factor 1, which is the length
22 of consistent -- long-term consistent pattern of use, not
23 all of these people have not lived there that long,
24 although we don't know how long they have been there,
25 because we don't have any studies that have been done.
26 But in Unit 24, the residents of 24 communities have as a
27 group a long-term consistent pattern of use of harvesting
28 brown bear for subsistence, for material needs and for
29 cultural reasons. Brown bears, as you probably all
30 remember are very -- culturally are very important
31 animals to the Koyukon people.

32

33 The State has regulated brown bear
34 hunting since 1961, so it -- they haven't had their
35 customary and traditional season since then, but before
36 legal restrictions were imposed on wildlife hunting in
37 Unit 24, the residents of the middle, upper Koyukuk River
38 and central Brooks Range harvest brown bears in the
39 spring, summer or fall, when they needed to augment
40 nutritional needs. The most desired time of year to hunt
41 brown bears in the Koyukuk area was and continues to be
42 in the late summer and fall when the brown bears are
43 especially fat and healthy, and preparing to hibernate.

44

45 The Nunamiut, which is Anaktuvuk Pass
46 people in the very northern part of Unit 24, prefer to
47 harvest brown bears when they come from their dens in the
48 spring.

49

50 Brown bears are found throughout Unit 24,
51 but communities such as Anaktuvuk Pass and Wiseman are

1 located in the most productive brown bear habitat. Most
2 brown bear harvest by residents of Anaktuvuk Pass occurs
3 within the Gates of the Arctic National Park and
4 Preserve. And Wiseman and the mid Koyukuk River
5 communities hunt both inside and outside of the park, but
6 within Unit 24.

7
8 Both the Koyukon and the Nunamiut
9 traditionally relied on a wide variety of local fish and
10 wildlife resources.

11
12 There was a concern when the proposals
13 had come forward in 1997 that Coldfoot people and people
14 along the corridor were transient, and they were
15 concerned about individuals working the pump stations and
16 the local -- the road maintenance facilities and
17 construction camps, that they shouldn't be allowed to
18 take subsistence resources. But most of those transient
19 or seasonal workers or visitors to the corridor have --
20 are precluded from hunting under the rural residency
21 requirements, including the C&T determinations.

22
23 One of the concerns that the Council had
24 dealt with was this -- they were concerned people would
25 come in and be able to take -- if they were living there
26 temporarily, that they would be able to take resources,
27 but in 1999 the Board changed the regulations to state
28 that an individual had to -- in order to be able to
29 obtain an Alaska resident hunting license to qualify as a
30 Federal recognized user, that they would have to live
31 there for a year. So that then precluded people who were
32 just transients living there being able to harvest
33 resources.

34
35 I do want to note, too that in addition
36 this proposal would not allow any of the potentially
37 enfranchised hunters to hunt in the Gates of the Arctic
38 until they obtain a Section 13.44 permit from the Park
39 Service.

40
41 Thank you, Mr. Chair. That concludes my
42 presentation.

43
44 CHAIRMAN DEMIENTIEFF: Thank you.
45 Written public comments.

46
47 MR. RIVARD: Yes, Mr. Chair. My name is
48 Don Rivard. I'm with the Office of Subsistence
49 Management and I'm filling in for Vince Mathews who's the
50 Western and Eastern Interior Council coordinator, and

1 he's on annual leave this week.

2

3

4 There's just two written public comments.
5 One is in your book on Page 459 from Susan Henderson of
6 Coldfoot, who supports this proposal. And then
7 subsequent to the printing of the Board Book, we received
8 a fax in our office from the proponent, Mr. Bratrud, and
9 he's just reaffirming that he's a resident, as well as
10 his wife, in Unit 20(F).

11

12 Thank you.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Next
15 time I see Vince, I'm going to ask him how does he get
16 annual leave during meeting week, because maybe I might
17 try to learn a couple lessons.

18

19 We have no requests for additional public
20 testimony at this time. Regional Council
21 recommendations. We have Western, North Slope, some of
22 the Staff is going to have to highlight their
23 recommendation, and Eastern. So Western.

24

25 MR. SAM: Thank you, Mr. Chair. We've
26 dealing with this issue for quite some time, the C&T,
27 positive C&T for -- especially for Stevens Village, who's
28 pretty much on the Dalton Highway Corridor. We dealt
29 with this with black bear, and I guess it's through
30 hindsight that it's taken this long to recognize their
31 qualifications to harvest brown bear and other species.
32 Again, the Western Interior Council expressed concern on
33 granting of positive C&Ts, because we have requests from
34 both ends of our area, Region 6, Western Interior, and we
35 are hesitant to grant positive C&Ts, especially for the
36 Dalton Highway Corridor. They are transients, and they
37 will remain so. The one resident, the proponent of the
38 proposal, will move up and down that corridor to his
39 advantage, and to his preference, and I think that it
40 just shows that the real positive C&T for Federally-
41 qualified subsistence users are from both Stevens Village
42 and Wiseman. Other than that, all those other
43 communities or settlements are way stations or gas
44 stations or work stations for pipeline, so -- and Jack
45 Reakoff, a Council member from Western Interior, knows
46 that area well, and the residents, and he can tell you
47 that most of them, if not all of them are more or less
48 transient, or they may get their license and their -- get
49 recognized as federally-qualified subsistence users, but
50 then in a few years, they're out of there, too, again,
51 because again these are a lot of work stations, and -- we

1 do support this Proposal 55 especially to recognize
2 Stevens Village, and that's from out of our area.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you. Before
7 we go to the Staff analysis for North Slope's
8 recommendation, Eastern, I see you're defer to the home
9 region is your recommendation. Do you have anything else
10 to add?

11

12 MR. FLEENER: Yes, Mr. Chair, thank you.
13 I did want to comment although Eastern Interior deferred
14 this to the home region, we also had discussions along
15 the lines of our concern with providing a priority to
16 communities that may not truly -- or to individuals that
17 may not truly exhibit a subsistence lifestyle, and if a
18 large percentage of the population are non-subsistence
19 transients, that's a concern to people. We, of course,
20 always support inclusion of permanent rural residents who
21 need subsistence resources, but we're concerned about
22 including those who are primarily transients.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Who's
27 going to do -- Helen, is that you that -- okay.

28

29 MS. H. ARMSTRONG: I'll to North Slope.
30 I'm the anthropologist on that Staff, and I was -- or for
31 that Council, and I was at the meeting.

32

33 The North Slope supported the proposal
34 with modification to exclude those people living in Unit
35 20(F) along the corridor. And they reason they excluded
36 them was because Jack Reakoff was on teleconference with
37 us, and he was very firm in saying there weren't any
38 people living along there, which contradicts what Andrew
39 Bratrud's letter says. He says he does live there. He
40 works I guess along the corridor, and then he has a
41 trapper's cabin somewhere off of the corridor. But I'm
42 not sure we should focus on individuals living in 20(F)
43 or not, but I would also point out, it's interesting to
44 note that in Unit 26 they have C&T for the whole of Unit
45 26, including the corridor, although there are no people
46 living there either.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. Staff

1 Committee.

2

3 MR. BRELSFORD: Thank you very much, Mr.
4 Chairman. This is Taylor Brelsford from the BLM, and I'm
5 happy to offer the Staff Committee's recommendation on
6 this proposal.

7

8 I'd like to suggest that this is actually
9 one on which there is broad and essential agreement at
10 this point. We are adjusting several C&T's in the Dalton
11 Highway Corridor to recognize the additional uses of some
12 long-term residents outside of the community of Wiseman.
13 And as I say, there's a core agreement. We're following
14 in the lead of the Regional Council in this instance.

15

16 The specific recommendation from the
17 Staff Committee is to support the proposal with
18 modification consistent with the recommendation of the
19 Western Interior and North Slope Regional Advisory
20 Councils. The revised language is found on Page 458. We
21 make two points in justification. The first is that
22 while the limit -- while the information regarding the
23 uses of disbursed residents along the Dalton Highway
24 Corridor is limited, we believe that some of these
25 residents do have long-term ties to the area and the
26 natural resources. There are a small number of people
27 involved. Much of the historic use pattern has been
28 established by the indigenous people, the Koyukon
29 Athabascans, and Nunamiut Eskimo people. However, there
30 are non-Native users in the region with long-term
31 patterns, particularly in the community of Wiseman. The
32 Western Interior Regional Council in their discussion
33 agreed or noted that the permanent residents are adopting
34 many of the uses similar to those of other communities in
35 the region.

36

37 The Regional Council recommendation
38 opposes that portion of the original proposal that would
39 extend the customary and traditional use determination to
40 Unit 20(F) north of the Yukon River. This would be the
41 southernmost part of the Dalton Highway Corridor under
42 consideration right now. The Western Interior Council
43 provided compelling testimony that there are no permanent
44 residents in this portion of the Dalton Highway Corridor
45 Management Area, and that the commercial fuel and lodging
46 facility at the Yukon crossing is a seasonal facility,
47 closed down outside of the summer months. Seasonal
48 residents at this commercial facility do not have a
49 primary place of residency at this location, and have not
50 established a qualifying pattern of use for the brown

1 bear.

2

3

Thank you, Mr. Chairman.

4

5

6

CHAIRMAN DEMIENTIEFF: Thank you.
Department comments.

7

8

9

MS. SEE: Thank you, Mr. Chairman. My
name is Marianne See with Division of Subsistence.

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We are not aware of specific new
information, although it's certainly welcome knowing if
there is new information about the use of the residents
in that area that would address this technical concern.
And it really is a technical concern. We encourage the
Office of Subsistence Management to continue the current
effort that they are undergoing to evaluate and clarify
the technical standards to be used in making customary
and traditional determinations. We think that's a very
important effort. We certainly offer our assistance
towards making sure that that methodology becomes more
clear and consistent, but we differ strongly in our
approach to this, and we do require more substantiation
of the pattern of use in the area under consideration.
And when you narrow an area to a very specific place, we

1 feel it's important to use specific information.
2 Otherwise, you can't either substantiate or refute a
3 particular proposal one way or the other.

4
5 So that is why we are neutral on this
6 proposal, and we'll answer any questions that you may
7 have about this position.

8
9 Thank you.

10
11 CHAIRMAN DEMIENTIEFF: Thank you very
12 much. Discussion.

13
14 MR. EDWARDS: Mr. Chair, I just want to
15 understand that the proposal as amended will include the
16 person who made the proposal to begin with, is that
17 right?

18
19 CHAIRMAN DEMIENTIEFF: Helen.

20
21 MS. H. ARMSTRONG: No, it does not. The
22 person who made -- the person, Andy Brattrud, who made
23 the proposal, works on the corridor at the -- what was it
24 called, Taylor?

25
26 MR. BRELSFORD: Yukon Crossing.

27
28 MS. H. ARMSTRONG: At the Yukon Crossing,
29 but what's the facility called that they -- where he
30 works?

31
32 MR. BRELSFORD: I believe it's being
33 referred to as Yukon Crossing.

34
35 MS. H. ARMSTRONG: Okay. Just Yukon
36 Crossing.

37
38 MR. BRELSFORD: It's the fuel and
39 lodging.....

40
41 MS. H. ARMSTRONG: Fuel and lodging.
42 Okay.

43
44 MR. BRELSFORD:seasonal facility
45 just north of the Yukon River.

46
47 MS. H. ARMSTRONG: He works there and
48 then -- and he has a P.O. Box in Coldfoot and he has a
49 trapper's cabin that he's at in the winter off of the
50 corridor. But he's claiming permanent residency on the

1 corridor.

2

3 MR. EDWARDS: And our conclusion is he is
4 or he isn't?

5

6 MS. H. ARMSTRONG: He isn't a permanent
7 resident? Well, I'm not sure there's a conclusion, but
8 that's what we were told by Jack Reakoff who lives in
9 Wiseman. He testified at the Council meetings, he was on
10 teleconference, saying that he's not a resident. But I'm
11 not sure we should get into -- I mean, that's an
12 enforcement issue of whether he's a resident or not a
13 resident.

14

15 MR. EDWARDS: But why isn't that an issue
16 whether we exclude him or not exclude him? I mean, I've
17 always believed that legally you can only be a resident
18 at one place.

19

20 CHAIRMAN DEMIENTIEFF: Don.

21

22 MR. RIVARD: Mr. Chair. Maybe it would
23 be good to read a little bit more of his letter so that
24 -- Mr. Brattrud's letter here. This is what he states.

25

26 We live in 20(F) within the Dalton
27 Highway Corridor, north of the Yukon River. My name is
28 Andy Brattrud, and my wife Barbara also live there. We
29 moved here in May of 2003. Before that we lived in
30 Coldfoot. We were given the opportunity to work down
31 here and work, so we did. We worked here until closing,
32 then we were on our trap line all winter, then at
33 Coldfoot for a few weeks, and are now at our residence in
34 20(F). The majority of the year is spent at Milepost 56
35 Dalton Highway in 20(F) north of the Yukon River.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Yes, Helen.

40

41 MS. H. ARMSTRONG: Since we're getting
42 into the details of his residency, I would like to add,
43 and this is public information, it's not confidential,
44 that his 2003 application for dividend showed an address
45 for him and his family in Fairbanks.

46

47 CHAIRMAN DEMIENTIEFF: Thank you.

48

49 MR. BISSON: Mr. Chairman, I might also
50 add, I believe I'm correct on this, and I'm going to ask

1 Taylor to make a phone call, but I believe that that
2 Yukon Crossing is actually a concession on Federal lands.
3 I don't believe that's private land. But there's a
4 concession operation there to provide a restaurant and
5 gas and so on. And the real issue is, is his permanent
6 residence the trapping cabin, which it won't be that
7 concession, or is it some place completely outside of the
8 area. And what unit is the trapping cabin in?

9
10 MS. H. ARMSTRONG: It's off of the
11 corridor.

12
13 MR. BISSON: It's completely off the
14 corridor?

15
16 MS. H. ARMSTRONG: I'm not sure where it
17 is, but I know it's off the corridor.

18
19 CHAIRMAN DEMIENTIEFF: Keith.

20
21 MR. GOLTZ: I wouldn't advise writing any
22 more regulations for individuals. Where he lives is an
23 enforcement question. We have some technical standards
24 in our regulations, and we want to apply those
25 consistently across the board, and I don't know that we
26 have the data here to make a judgment on this particular
27 individual. And I would recommend against it.

28
29 CHAIRMAN DEMIENTIEFF: Yeah, the other
30 thing -- Ron, go ahead.

31
32 MR. SAM: I stand to be corrected, but if
33 he receives his permanent fund check at Fairbanks, that
34 to me states that he is a resident of Fairbanks. And
35 that is -- is that taken into context? I'm just
36 questioning the ethics of this.

37
38 MR. GOLTZ: That's one of the elements in
39 our regulations, yeah.

40
41 CHAIRMAN DEMIENTIEFF: Go ahead.

42
43 MR. EDWARDS: Well, Mr. Chairman, the
44 only thing I was trying to wrestle with, we have an
45 individual who made a proposal which we are approving,
46 but our approval eliminates him from his own proposal.
47 It just seemed a little odd. I mean, I just -- that's
48 what I was trying to understand. I mean, we wouldn't be
49 even having this in front of us if he hadn't proposed it,
50 and we went ahead and are agreeing with most of what he's

1 proposing, but the most important part to him, we're
2 excluding. I don't know, it just seems odd.

3
4 CHAIRMAN DEMIENTIEFF: Well, yeah,
5 there's lots of reasons for those kind of things, so I
6 mean, if he gets his permanent fund in Fairbanks, it
7 could be very -- just simply is that there's no mail
8 delivery in his area, you know, so he's go to go to
9 wherever he can go and get his mail. And it might be as
10 simple as that. But anyway, we can -- you know, I think
11 we've got the issue in front of us, and we've got to stay
12 focused and stay off of the individual.

13
14 We have a gentleman that lives north of
15 Nenana, and commutes to work in Healy, six-tens. And
16 couldn't get his mail, plain and simple. So he stuck a
17 mailbox out in the middle of nowhere. It's a swamp on
18 one side and a rifle range on the other, and he had his
19 mail delivered there, so on his way to work, that's where
20 he picked up his mail. It's mile, I don't know what it
21 would be, 303 I think. And, you know, there he was, Mile
22 303, Nenana, but -- and the Post Office actually let him
23 go for a little while, and then pretty soon they cut down
24 on him, and then the mail box is gone, but he just simply
25 worked the days and the hours that the post office was
26 opened, and that's what he did. So anyway.

27
28 Yeah, I agree I think with Keith, that
29 it's not for an individual, we're discussing the issue,
30 so we'll try to keep it focused on the issue if we can.

31
32 MR. BISSON: Mr. Chairman, if there's no
33 further discussion on this issue, I would move to adopt
34 the proposal with the modification recommended by the
35 Western Interior and North Slope Regional Councils to
36 extend the customary and traditional use finding to other
37 Unit 24 Dalton Highway Corridor residents outside of
38 Wiseman. In contrast, this motion would not extend the
39 finding to the southern portion of the corridor in Unit
40 20(F).

41
42 CHAIRMAN DEMIENTIEFF: Thank you. Is
43 there a second to that motion?

44
45 MR. TONY: Second.

46
47 CHAIRMAN DEMIENTIEFF: Further discussion
48 on the motion.

49
50 (No comments)

1 CHAIRMAN DEMIENTIEFF: Hearing none, all
2 those in favor please signify by saying aye.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN DEMIENTIEFF: Those opposed same
7 sign.

8
9 (No opposing votes)

10
11 CHAIRMAN DEMIENTIEFF: Motion carries.

12
13 MR. EDWARDS: Mr. Chairman, I guess when
14 we get back to this individual, it's going to be kind of
15 a good news/bad news. The good news is his proposal
16 passed. The bad news is he was excluded from it.

17
18 CHAIRMAN DEMIENTIEFF: Yeah. I don't
19 think we'll go there with that. 57.

20
21 MR. RIVARD: Thank you, Mr. Chair. Don
22 Rivard. I'll be presenting this to the Board today,
23 filling in for Pete DeMatteo who was the lead author on
24 this. He's unable to be here today.

25
26 Proposal WP04-57, submitted by Jack
27 Reakoff of Wiseman, would extend the harvest season for
28 sheep in part of Unit 24. This would lengthen the sheep
29 harvest in that Unit 24, that portion within the Dalton
30 Highway Corridor Management Area, except Gates of the
31 Arctic National Park, from August 10th to September 20th,
32 with the new dates being August 10th through September
33 30th. This is an extension of the current season by 10
34 days, and would result in a harvest season of 52 days.
35 The proponent states that the extended season is needed
36 because hunters are occupied by moose hunting activities
37 during much of the current sheep season. And the moose
38 season ends in that area on September 25th.

39
40 I failed to mention that this analysis
41 starts on Page 493.

42
43 A population of concern lies east of the
44 Dalton Highway Corridor Management Area where the harvest
45 that's done by non-local hunter occurs. And the current
46 Federal and State regulations provide an August 1st
47 through April 30th season, with a three sheep limit on
48 lands west of the corridor within Gates of the Arctic
49 National Park.

50

1 The Department of Fish and Game conducted
2 a sheep surveys during June 2002 and 2003 in part of the
3 upper Chandalar River drainage east of the Dalton
4 Highway, and also in June 2003 in the drainages of the
5 Atigun and the west fork of the, and this is a tough one
6 for me to pronounce, the Sagavanirktok Rivers. That's on
7 -- it shows that in the map on Page 495. A total of 1539
8 sheep were observed in June of 2002, compared to 989
9 sheep observed in June of 2003. In the western part of
10 the Chandalar, 631 sheep were observed in 2003 compared
11 to 945 in 2002. In the eastern part of the Chandalar
12 survey, 358 sheep were observed in 2003 compared to 574
13 in 2002.

14
15 So there was at least a 30 percent
16 reduction in all age classes, with the greatest declines
17 in lambs and young rams. The decline is consistent with
18 the theory that there was a high winter mortality due to
19 deep snow. In addition, it is possible that some sheep
20 may have moved outside the survey area. Also, the change
21 in legal rams observed in the surveys was similar to
22 other sheep age classes. This would indicate that
23 hunting was not the cause of the decline from 2002 to
24 2003.

25
26 It should also be noted that the number
27 of sport hunters and sheep harvest in the survey area,
28 between the Dalton Highway and the North Fork Chandalar
29 River, during the last four years has been increasing
30 each year. And that can be seen in Table 2 on Page 497.

31
32 Beginning in 1992, the BLM administered
33 two Federal subsistence hunts along the Dalton Highway
34 Corridor Management Area. This is known as permit hunt
35 number RS424 in Unit 24 was for residents of Unit 24
36 north of the Arctic Circle, and residents of Allakaket,
37 Alatna, Hughes and Huslia. The second Federal
38 subsistence hunt was in the Unit 26(B) portion of the
39 Dalton Highway Corridor Management Area. Non-Federally-
40 qualified hunters were also allowed to hunt in the Dalton
41 Highway Corridor Management Area under more restrictive
42 State regulations.

43
44 If you look on Page 499, on Table 3,
45 you'll see that from 1995 through 2002 a total of 55
46 hunters reported harvesting 16 sheep. They spent 170
47 days hunting, and the hunting dates ranged from August
48 24th to September 20th. The number of hunters and the
49 annual harvest reported during this time period has
50 remained fairly constant throughout that period.

1 The effects of this proposal is that it
2 would lengthen the harvest season in Unit 24, that
3 portion within the Dalton Highway Corridor Management
4 Area, except Gates of the Arctic National Park, by an
5 additional 10 days, extending the season to September
6 30th. This additional 10 days would provide increased
7 flexibility for Federally-qualified subsistence hunters
8 to schedule moose and sheep harvest. However, the
9 additional of 10 days to the current Federal season could
10 increase the harvest as hunters have this additional 10
11 days to hunt. An increase in the harvest could impact
12 the current sheep population which has shown a recent 30
13 percent reduction in all age classes.

14
15 And that is my presentation. Thank you.

16
17 CHAIRMAN DEMIENTIEFF: Written public
18 comments.

19
20 MR. RIVARD: There were no written public
21 comments for this proposal. Thank you.

22
23 CHAIRMAN DEMIENTIEFF: We have no
24 requests for public testimony. Regional Council
25 recommendation.

26
27 MR. SAM: Thank you, Mr. Chairman. We
28 supported this Proposal 57. On Page 490 you see our
29 justification for supporting it. I do have one question
30 for Don, but that can wait, because we are in full
31 support of this proposal. We do not think it will impact
32 the sheep population one way or the other. I think it
33 more these hunter are more opportunistic than anything
34 else, too, you know. But they do harvest them pretty
35 often, because they are there.

36
37 Thank you.

38
39 CHAIRMAN DEMIENTIEFF: Thank you. Staff
40 Committee.

41
42 MR. BRELSFORD: Thank you, Mr. Chairman.
43 Taylor Brelsford for the BLM. The Staff Committee
44 recommendation is found on -- I just had it. On Page
45 491.

46
47 I want to mention that this proposal had
48 extensive discussion at the Western Interior Regional
49 Council meeting. Some of that discussion is actually
50 characterized on the last page of the Staff analysis in

1 case those details are of interest to the Board members,
2 and I would say that there was additional detailed
3 discussion at the Staff Committee meeting. Ultimately
4 the Staff Committee recommendation aligns with the
5 Western Interior Regional Council, that is to say,
6 support the proposal consistent with that recommendation.

7
8

9 Our justification is to acknowledge a
10 biological concern, particularly when the population
11 analysis is conducted at a broad geographic level. At a
12 broad level, the sheep population in the central Brooks
13 Range does show signs of poor recruitment and potential
14 decline. However, the population within the Dalton
15 Highway Corridor Management Area is likely to have a
16 better age structure due to the more restrictive harvest
17 regime, and significantly lower level of hunting
18 pressure.

19
20

 To the east of the Corridor Management
21 Area, the significant and growing guided hunting effort
22 has occurred. However, within the Corridor Management
23 Area, State-qualified hunters are required to use bow and
24 arrow, therefore significantly limiting the effective
25 pressure from this larger user group. Federally-
26 qualified users in the Corridor Management Area may use
27 firearms, and have a slightly more liberal horn
28 configuration provision in their harvest limit. However,
29 the Federally-qualified user group within the Corridor
30 Management Area is very small and stable, averaging seven
31 hunters and two sheep harvest per year since 1992. there
32 is little prospect for growth in the Federal subsistence
33 hunter numbers since they come primarily from the small
34 community of Wiseman, and as we've heard previously, a
35 small number of other residents within the corridor in
36 Unit 24.

37
38

 Given the small user group and the stable
39 level of use, it is likely that the 10-day extension in
40 the Federal season will simply redistribute the current
41 level of use. No significant increase in Federal
42 subsistence harvest is likely, and no adverse impact on
43 the sheep population is likely.

44
45

 Thank you, Mr. Chairman.

46
47

 CHAIRMAN DEMIENTIEFF: Thank you.
48 Department comments.

49
50

 MR. HAYNES: Mr. Chairman, the Department

1 does not support this proposal. Current information
2 indicates that Dall Sheep populations in the Central
3 Brooks Range appear to be declining due to poor
4 recruitment. Conservative management is needed as long
5 as the population is exhibiting poor productivity. The
6 proposal would add 10 days to the current Federal season
7 in the Dalton Highway Corridor Management Area, which
8 could increase both hunting effort and success rates, and
9 thereby create a conservation issue.

10

11 I won't repeat the specific information
12 that Mr. Rivard presented in the analysis about the
13 effects of deep snow, the observed declines in certain
14 aspects of the populations there.

15

16 The concern about the health of these
17 sheep populations in that general area is widespread, and
18 I'd like to point out that the Department along with
19 Bureau of Land Management, Fish and Wildlife Service, and
20 the National Park Service met earlier this year to
21 discuss further collaborative monitoring of sheep
22 populations in the Brooks Range area along the Dalton
23 Highway. All four agencies are concerned about the need
24 for sheep population data, because of the increased
25 hunting pressure being observed in central and eastern
26 Brooks Range. And we're hoping that there will be some
27 population research initiated this year that will help to
28 shed light on the status of the sheep populations in this
29 area. But at this time, we don't believe it's wise to
30 extend the season for hunting sheep in the corridor.

31

32 Thank you.

33

34 CHAIRMAN DEMIENTIEFF: Thank you.

35 Discussion.

36

37 MR. BISSON: Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 MR. BISSON: Over the last week or so
42 we've had some discussion with members of the Western
43 Interior Council, and with Alaska Department of Fish and
44 Game about conceptually instead of adding 10 days, about
45 changing the dates for the hunt. Moving the dates,
46 instead of being from August until -- August 1st until
47 September 20th, just simply shifting that 30-day period,
48 and making the hunt from August 20th to September 30th.
49 There have been no sheep harvested before August 24th in
50 any period. This would accommodate the residents

1 concerns about being able to do their sheep hunting after
2 they finish their moose hunting, and would not provide
3 any additional opportunity. It would simply change the
4 dates for the 30-day period. What I would ask at this
5 time perhaps, if it's amenable to you, to perhaps asked
6 the Western Interior Council, and Alaska Department of
7 Fish and Game whether they have any comments about
8 perhaps altering or amending this proposal along those
9 lines.

10

11 CHAIRMAN DEMIENTIEFF: Ron.

12

13 MR. SAM: Thank you, Mr. Chair. That was
14 the question I was going to address to Mr. Rivard,
15 because we met briefly when I came down to attend this
16 conference here, and then we briefly discussed it, but,
17 however, it wasn't shown in the book that there August
18 20th to September 30th. Mr. Rivard stated to me that he
19 was talking with Jack Reakoff, and he was willing to
20 accept the August 20th to September 30th, and I would
21 have no problem if you amended this proposal to change
22 the date from August 10th to August 20th through
23 September 30th. I would have no problem with that. I
24 think that would more accommodate the few residents of
25 Wiseman who use this hunt.

26

27 Thank you, Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. Does
30 the State have comments?

31

32 MR. HAYNES: Thank you, Mr. Chairman. As
33 we understand the proposal, the desire is to have more
34 sheep hunting time after moose hunting is completed, so
35 we don't see this, taking 10 days off the front of the
36 season as being a restriction, and we would support that
37 recommendation.

38

39 MS. GOTTLIEB: Mr. Chair.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MS. GOTTLIEB: Well, certainly Jack
44 Reakoff is one of our most respective and reliable local
45 people, and so if he supports this change, we would go
46 along with it as well. Thanks for checking.

47

48 MR. EDWARDS: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. EDWARDS: I just have kind of a
2 general question for the State. I mean, if we do have
3 concerns in this area, aren't there some parts within the
4 Brooks where we actually have a three limit on either
5 sex, which seems to be kind of high given the concerns
6 that have been expressed?

7
8 MR. HAYNES: Mr. Chairman, there is a
9 three sheep bag limit for Kaktovik in Unit 26(C). Are
10 you referring to that season or to the.....

11
12 MR. EDWARDS: I thought there were some
13 also within the Brooks Range itself, are there not?

14
15 MR. HAYNES: For the Anaktuvuk Pass and
16 that area, I believe there is. And I think part of the
17 response to your question is the need for better
18 biological information so that we can determine just what
19 the situation is, and whether there do need to be
20 restrictions imposed.

21
22 CHAIRMAN DEMIENTIEFF: Further
23 discussion.

24
25 (No comments)

26
27 MR. BISSON: Mr. Chairman, I'm prepared
28 to offer a motion.

29
30 CHAIRMAN DEMIENTIEFF: Yes.

31
32 MR. BISSON: I move to adopt the proposal
33 with the modification in order to provide the flexibility
34 requested by the proponent without a net increase in the
35 sheep hunting season. The resulting season would run
36 from August 20th through September 30th. The Staff
37 analysis indicates that the Federal hunters have not been
38 taking sheep prior to August 20th, so this would not pose
39 a limitation on the subsistence users. At the same time
40 avoiding an increase in total season length would respond
41 to the State concerns about the sheep population in the
42 central Brooks Range. I also understand that the
43 proponent, Jack Reakoff, has been consulted, which we've
44 already heard about the proposed change, and does not
45 object to this compromise.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. We
48 have a motion. Is there a second.

49
50 MR. EDWARDS: Second.

1 CHAIRMAN DEMIENTIEFF: Discussion on the
2 motion.

3
4 (No comments)

5
6 CHAIRMAN DEMIENTIEFF: Hearing none, all
7 those in favor signify by saying aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN DEMIENTIEFF: Those opposed,
12 same sign.

13
14 (No opposing votes)

15
16 CHAIRMAN DEMIENTIEFF: Motion carries.
17 There was some question, let me just clarify it, about
18 Proposal 56, which was actually linked to Proposal 82.
19 So we will take them up in numerical sequence since 82
20 was the lead proposal in that particular case. 56 was --
21 so we will take that up at that time.

22
23 With that, we will move on to 61.

24
25 MS. PETRIVELLI: Mr. Chairman and Board,
26 my name is Pat Petrivelli, and I was the analyst assigned
27 to Proposal 61, and that analysis begins on Page 526.

28
29 Proposal 61 was submitted by the
30 Association of the Village Council Presidents, and it
31 requested C&T determination for the use of moose in 21(E)
32 for all the residents of Unit 18. The existing C&T for
33 Unit 21(E) has a positive determination for the residents
34 of 21(E) and the residents of Russian Mission. The
35 Federal lands in 21(E) consist of 11 percent Fish and
36 Wildlife Service lands, and 44 percent BLM administered
37 lands.

38
39 This issue has been under consideration
40 for the past two regulatory cycles with a different
41 proposal. At the last Board meeting, the Board deferred
42 actions on Proposal 03-33 and directed that the Western
43 Interior and Yukon-Kuskokwim Delta Councils meet and
44 discuss the issue, because they had conflicting
45 recommendations. The Councils met together in October of
46 last year, and after discussion of the issue, both
47 Councils agreed to ask the proponent to withdraw his
48 proposal.

49
50 This proposal is different from that

1 proposal in that last year's proposal dealt with a subset
2 of Unit 18 communities, and a smaller portion of Unit
3 21(E). And, well, the actual maps involved in this
4 analysis are in the supplemental map package. The map of
5 Unit 21(E) is on -- full 21(E) and a portion is on Page 8
6 of the supplemental package. And on Page 9 it shows the
7 smaller portion that was dealt with last year. But, as I
8 said, this request deals with all communities in Unit 18
9 and all of Unit 21(E).

10
11 Since no new information has been
12 collected since last year, much of the information in the
13 analysis is just a reformatting of information presented
14 in Proposals 02-31 and 03-33. And because it dealt with
15 all of Unit 18, I also took information from Proposals
16 96-45 and 46.

17
18 One other thing that I included, and
19 that's on Page 529, is a table of the current regulations
20 in Unit 18 and 21, because when the proponent agreed to
21 withdraw his proposal last year, he said that really he
22 only wanted -- he agreed to do so, but he wanted to look
23 at aligning the dates of the two units, so -- but just to
24 show the relationship, besides just the closeness of the
25 regulations, but Table 1 has a summary of all the
26 regulations involved.

27
28 But with the C&T analysis, the sources
29 that I used -- that were used in the various analyses,
30 there were ethnographic sources that were from Zagoskin,
31 Nelson, Oswalt, VanStone, and Snow. And the contemporary
32 uses were documented by ADF&G household surveys and
33 studies carried out in all of the Unit 21(E) communities,
34 and 11 of the 39 Unit 18 communities. And data from the
35 household surveys are contained in Table 3 and Table 4.

36
37 There were five technical reports that
38 were written as a result of these household surveys, and
39 they were consulted for information.

40
41 The other sources of data is the wildlife
42 harvest data base, and that information is presented in
43 Tables 5 and 6. And then Table 7 contains the
44 information available from mapping data.

45
46 Since the Board -- or since the customary
47 and traditional use of moose has been recognized in 21(E)
48 and in Unit 18, the main focus of interest was actually
49 on where people actually hunt moose and the level of that
50 use. And so I just went ahead and summarized that, and

1 that's provided in Table 8 on Page 541. And so with that
2 shaded area, what that actually shows is the level of use
3 of moose in 21(E). So particularly the communities that
4 have positive C&T, all three columns are shaded for those
5 communities, and mapping use shows and there's the
6 harvest efforts and the permit use. And then the shading
7 goes down -- well, for purposes of comparison, the lower
8 Yukon communities were grouped together, the Kuskokwim
9 communities and the coastal communities. But the shaded
10 areas are where there's actual use of moose shown in
11 21(E). It does show, you know, that people do use moose
12 in Unit 18, but the shaded areas only showed where
13 there's actual documented use in 21(E). And, of course,
14 that's just through the two sources that were available
15 through the reporting of harvest ticket data, and then
16 also mapping data.

17
18 One thing that has to be said about the
19 harvest ticket data is, and it's noted in the analysis,
20 about the accuracy of the reporting and compliance with
21 harvest ticket reporting, and then the other limitation
22 of mapping data is that those -- all the mapping data
23 sources aren't comparable, so it could be just like a
24 one-year period or a five-year period, or a 10-year
25 period. But this is just where any mapping data shows
26 any use of 21(E) for moose.

27
28 That concludes my analysis.

29
30 CHAIRMAN DEMIENTIEFF: I'm sorry.
31 Written public comments.

32
33 MR. RIVARD: Yes, Mr. Chair. On Page 525
34 there's two written public comments. One is opposed by
35 the Grayling, Anvik, Shageluk, Holy Cross Local Fish and
36 Game Advisory Committee, and one is for -- in support by
37 Ross Boring of Bethel.

38
39 Subsequent to the printing of the book,
40 last week we received a letter from the Association of
41 Village Council Presidents, from Mr. Tim Andrew, and he's
42 here today, and he's going to respond -- he's going to
43 present that himself.

44
45 Thank you.

46
47 CHAIRMAN DEMIENTIEFF: Okay. We now will
48 go to public testimony. Tim Andrew.

49
50 MR. ANDREW: Thank you, Mr. Chairman,

1 Members of the Board, for this opportunity to testify
2 before you today on Proposal 61.

3

4 As Mr. Rivard had reported, that we have
5 submitted a letter on May 13th to the Office of
6 Subsistence Management to Mr. Chairman, and sent a copy
7 to Tanana Chiefs Conference, and to the YK RAC as well,
8 expressing our wish to defer this proposal for at least
9 one year, until May 2005. However, recent conversations
10 with our counterparts and other parties involved, we
11 would like to withdraw the proposal at this time.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Mike
14 Smith.

15

16 MR. SMITH: Thank you, Mr. Chairman. My
17 name is Mike Smith, and I work for Tanana Chiefs
18 Conference.

19

20 While we are probably all a little
21 concerned about the time we've spent on this proposal and
22 where it goes, I think over the course of the last 15
23 years, this issue has surfaced, but I think what is
24 really compelling I guess about this issue is the
25 questions that it asks, and it asked us to answer. While
26 C&T determinations were primarily designed to establish
27 some distinction between urban and rural areas and stuff
28 like that, the application of that process amongst Native
29 groups who in close proximity to each other has never
30 really been quite answered. That issue, we as a Native
31 community, we feel need to step up and undertake that
32 challenge about how we go about determining C&T
33 determinations amongst like communities and population
34 numbers, and if a few people hunt and fish from a
35 community in a certain area, does that extend the C&T to
36 the whole community. That question is becoming more and
37 more prevalent as our game populations and our fish
38 populations dwindle, and it's something that I think we
39 need to undertake.

40

41 While over the last couple of years this
42 proposal has been before us in a number of fashions, I
43 think though while -- and we've been aware of these
44 questions, we just -- to be quite honest, we haven't had
45 the opportunity over the last year or so to do that.
46 We've been extremely busy, of course, as you all know
47 with the State of Alaska Board cycles affecting our
48 region on fishery issues and stuff of that nature. So
49 over the course of the next year, we think we have the
50 opportunity now to try to tackle these tough questions

1 amongst ourselves, and to conduct the type of process
2 that these questions need to undertake to be answered,
3 and we applaud AVCP's decision to remove this proposal
4 from consideration, but we also commit ourselves to
5 trying to answer some of these tough questions so that in
6 the future when we address this issue in whatever form it
7 may come forward to us, whether it be fisheries or the
8 harvest of moose, or what have you, we might at least be
9 able to develop some guidelines upon which to make those
10 tough decisions with.

11

12 Thank you, Mr. Chairman.

13

14 MR. DELFRATE: Thank you. Greg Roczicka.

15

16 MR. ROCZICKA: Yeah. Quyana, Mr.
17 Chairman. For the record, my name is Greg Roczicka. I
18 work as the Natural Resource Director for Orutsararmuit
19 Native Council, and I'm also recently appointed to the
20 YK-Delta Regional Subsistence Council.

21

22 And at our RAC meeting in early February
23 we did not have this information in front of us from AVCP
24 and TCC that they were interested in working on this, or
25 the situation I think -- or the outcome from the RAC
26 meeting could have been quite different. I took the
27 strongest advocacy role. There was discussion at that
28 Council meeting for possibly deferring this proposal
29 again, and I was the one that pounded my fist on the
30 table and said, we've been dealing with it for 15 years.
31 One more year is not going to make a difference. And I
32 also had the benefit of holding Tim Andrew's position
33 with AVCP for several years as director for their Natural
34 Resource Department, and dealt with George Yaska, my
35 counterpart in TCC. And so I didn't see anything coming
36 forward, and I said, let's put it on the table, let the
37 Board deal with it on its merits.

38

39 However, when both Mr. Andrew and Mr.
40 Smith came forward and requested the opportunity from the
41 regional organizations to come forward, and they feel
42 that they can work it, they possibly can come up with a
43 workable compromise between the agencies to address the
44 full issue of the customary and traditional use to
45 include some of the Kuskokwim villages as well, if that
46 opportunity is there, I believe they have -- that it only
47 behooves us to allow them the chance to go forward with
48 it. So, thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Regional Council.

2

3 MR. WILDE: Yeah, Mr. Chairman, when we
4 have a meeting at St. Mary's, we didn't have this letter.
5 However, that AVCP proposal, the Council, they work on
6 it, they support it. The Yukon-Kuskokwim Delta
7 Subsistence Regional Council support their proposal,
8 because many of Unit 18 villages have a traditional
9 pattern of hunting in 21(E) for moose in the fall and
10 winter season. The data also support that some Unit 18
11 communities have shown a consistent pattern of use of
12 21(E) for moose similar to the level of use shown in
13 Russian Mission. The Yukon-Kuskokwim Delta Subsistence
14 Regional Advisory Council make many efforts and work with
15 Western Interior Regional Advisory Council members and
16 others, GASH area representatives, to resolve the C&T
17 issue for moose in 21(E). The Council realize that it is
18 going to take additional work, and that could take
19 another couple of years or more to resolve this issue.

20

21 That's all I have, Mr. Chairman.

22

23 CHAIRMAN DEMIENTIEFF: Thank you very
24 much. Staff Committee.

25

26 MR. SAM: Ron.

27

28 CHAIRMAN DEMIENTIEFF: Oh, Western, yeah,
29 I'm sorry.

30

31 MR. SAM: Okay. If I heard right, the
32 proponent withdrew this Proposal 61, didn't he?

33

34 CHAIRMAN DEMIENTIEFF: That's correct.

35

36 MR. SAM: And do we need to deliberate
37 any further on it, if it's withdrawn?

38

39 CHAIRMAN DEMIENTIEFF: Yeah, the train
40 has already left the station. We have to complete the
41 process, so we will. But you might want to go with your
42 recommendation.

43

44 MR. SAM: Yes. Yes. To begin with I
45 would like to say that I feel their pain both at AVCP and
46 Tanana Chiefs, because we both went through this proposal
47 in another way, shape or form. And it hurt us to deal
48 with it. It was going to -- it's still going to hurt us
49 to deal with it, but however, we will deal with it.

50

1 And as far as our position on Proposal
2 61, that we are still in 100 percent opposition of this
3 proposal.
4

5 We have recognized, and we have developed
6 communication lines with residents of this area and AVCP
7 that Western Interior knows that there are positive C&T
8 users of this area, 21(E). We have no problem with that,
9 and we told them as long as they've been going through
10 utilizing this area years and years back since we don't
11 know when, that it is your grandfather rights to use it.
12 We had no problem with that.
13

14 The problem we had in total opposition of
15 this proposal is that while you may grant one or two
16 positive C&T determinations to the residents of one
17 village, that does not constitute positive C&T uses for
18 the whole village, and you're looking at, what, about 18
19 villages? That is why we oppose this so adamantly.
20

21 Again, I say this with deep gratitude, I
22 would like to thank Tanana Chiefs and AVCP for their
23 deliberation and for their withdrawal. It took a lot of
24 feelings and a lot of strength to do this, and I do want
25 to proceed with this and resolve this in one way, shape
26 or form down the road.
27

28 Thank you.

29
30 CHAIRMAN DEMIENTIEFF: Thank you. Staff
31 Committee.
32

33 MR. BRELSFORD: Thank you, Mr. Chairman.
34 Taylor Brelsford for the BLM.
35

36 The Staff Committee recommendation is
37 found on Page 523, and it is somewhat extensive. In
38 light of the proponent's request to withdraw, I'll try
39 and summarize this more quickly.
40

41 In general, what the Staff Committee had
42 agreed to was to bring back to the table, bring back to
43 the Board the compromise that was developed by a
44 subcommittee of the two Regional Councils a year ago. So
45 what we recommend to the Board is to support the proposal
46 with modification to include only the lower Yukon River
47 communities for the southern portion of Unit 21(E) in
48 which most downriver harvest is concentrated. This was
49 established last year in Proposal WP03-33. I'll dispense
50 with the reading of the language itself. Again it's

1 found on Page 523.

2

3

4 In justification, we recognize that there
5 have been extensive and diligent efforts at consultation
6 and technical analysis on these conflicting proposals for
7 the last three years. Last year a compromise proposal
8 was developed by the subcommittee, but it failed to gain
9 support of the full Councils. The Board at this time
10 last year asked those two Councils to meet in joint
11 session. That meeting was held in October 2003, but no
12 further progress towards a joint solution emerged. The
13 two Regional Councils have come to opposite
14 recommendations on the proposal before us at this time.

15

16 The Staff Committee recommends a limited
17 additional to the existing customary and traditional use
18 determination on three grounds. First, we concluded that
19 it is not reasonable to defer or return this Council
20 (sic) to the Regional Councils. Every effort had been
21 made to find a compromise and a consensus between the two
22 Councils, and more efforts along these lines would in our
23 view have been an undue burden.

24

25 Secondly the tentative compromise
26 developed by the subcommittee represents the closest that
27 users have come to an agreement yet based on
28 consideration of the technical information and the
29 testimony. The remaining paragraph indicates some of
30 trouble, the limitations on existing data, and summarizes
31 the pattern that we think is justification for the
32 compromise.

33

34 The third point is that we do believe the
35 Staff analysis provides limited but sufficient data to
36 support a finding of customary and traditional uses in
37 Unit 21(E) for the lower Yukon communities. Again,
38 limitations on that date, and more detailed discussion of
39 the data are held in that paragraph.

40

41 To summarize, the Staff Committee
42 believes that the best case can be made for the lower
43 Yukon River communities, and that moose hunting
44 represents an important long-term subsistence activity
45 for the community as a whole, and that by proximity and
46 access along the Yukon River, and as reflected in the
47 limited harvest ticket data, a meaningful portion of that
48 moose hunting effort by those communities occurs in the
49 southern part of Unit 21(E).

50

We conclude that the communities of the

1 Bering Sea coast south of the Yukon River have more
2 limited proximity, and therefore less efficiencies in
3 transportation and access to the moose hunting in Unit
4 21(E), despite a limited number of harvest tickets
5 showing use in this area.

6
7 For the lower Kuskokwim River
8 communities, the distance from Unit 21(E) is even
9 greater, and so the efficiency of access is even less.
10 Some hunters from the lower Kuskokwim River communities,
11 notably from the large community of Bethel, have hunted
12 in Unit 21(E), as reflected in the harvest tickets from
13 1983 to 2000. However, it is unlikely that this
14 represents a significant pattern of use for the community
15 as a whole.

16
17 Finally, the Staff Committee acknowledges
18 that some central Kuskokwim River communities from Upper
19 Kalskag to Chuathbaluk have not been analyzed in this
20 proposal, although they are located a relatively small
21 distance away from Unit 21(E). As the ADF&G comments
22 noted, some of these communities are likely to have
23 customary and traditional uses in portions of 21(E). The
24 Staff Committee expects that a new proposal would be
25 submitted to provide for consideration of these
26 communities at a later time.

27
28 Thank you, Mr. Chairman.

29
30 CHAIRMAN DEMIENTIEFF: Thank you.
31 Department comments.

32
33 MR. HAYNES: Thank you, Mr. Chairman.
34 Recognizing that this proposal is apparently going to be
35 withdrawn, we still support it as modified by the
36 Interagency Staff Committee. We're delighted that some
37 progress is being made to address this complex issue.

38
39 Data presented in the Staff analysis
40 don't support a finding that all communities in Unit 18
41 have a customary and traditional use of moose in 21(E).
42 Information on the eight factors is very limited for some
43 Unit 18 communities, but upon careful review is
44 sufficient to support a finding that those communities
45 included in the Staff Committee Modification have a
46 customary and traditional use of moose in the southern
47 portion of Unit 21(E).

48
49 I think we just simply agree with
50 everything that's stated in the Staff Committee

1 justification supporting that finding, also recognizing
2 that there may well be additional communities that will
3 be evaluated and considered. But we saw this as
4 certainly a very positive first step in resolving this
5 complex issue.

6
7 Deferring action on this proposal for
8 another year or a time uncertain may increase the
9 complexity of a cooperative moose management planning
10 process, that is planning to be -- or that's scheduled to
11 be initiated in Unit 21(E) later this year. The
12 Department received some support from the Office of
13 Subsistence Management to initiate this planning effort,
14 and we haven't really been able to sort out whether
15 taking action on this proposal and establishing a finding
16 for some communities, or going back to square one by
17 taking no action, we're not sure how that might affect
18 this planning effort, but we just throw that up as a
19 yellow flag that we have some concerns about how far we
20 can proceed in a moose planning process without the C&T
21 issue coming to the table, and we really do not believe
22 that is the place for the C&T issue to get resolved, and
23 it would really bog down the planning effort. So we
24 applaud the commitment that AVCP and Tanana Chiefs
25 Conference are making to attempt to make some progress on
26 this complex issue.

27
28 So with that, we'll just wait and see
29 what happens.

30
31 CHAIRMAN DEMIENTIEFF: Yeah. For once
32 it's easy to get the bureaucrats to agree, both State and
33 Federal, but you know, it still remains an issue. But I,
34 too, want to congratulate the players.

35
36 And the only thing missing for me is that
37 we have contrasting opinions on the record by the RACS,
38 and that remains a concern to me. So, you know, that's
39 one of the things we need to work on. Obviously if AVCP
40 and Tanana Chiefs are willing to talk, then we have to
41 find a way to get a representative from the RACs to talk
42 to get additional information back, you know, to the
43 RACs. And that's the only real thing that I really am
44 concerned about. You know, I'd like all the players to
45 be at the table so that we can try to work out some
46 consensus. You know, we all know this issue has been
47 before us for a very, very long time, and for the first
48 time -- I mean, and in other forums, in the State forum
49 as well as, you know, in our forum here. But I think in
50 all my years of experience with this issue, this is the

1 most encouraged I've been in terms of people cooperating
2 to work on the issue, continue to work on the issue. And
3 with all of our difficult issues, and I've said it time
4 and time again, the more discussions we have with regard
5 to difficult things, the more cooperation we have, the
6 more willingness to discuss, eventually is going to lead
7 to a solution, albeit maybe not everything everybody
8 wants, but we will work out a solution, and this is just
9 the most encouraged I've been in all the years of working
10 this issue. I worked on one side for a long time, and
11 now I've got to work at it from both sides. Anyway,
12 yeah, like I said before, I think when we talk about this
13 my dad was born and raised in Holy Cross in 21(E). My
14 grandfather, all that side of the family is from there,
15 so it's one of these sneaky little things that I know a
16 little bit more about than I let on sometimes, but it's
17 -- I can see light at the end of the tunnel basically if
18 we just take the time and the patience to let the -- let
19 it work out, I think we're going to all be a lot further
20 along.

21

22 Other discussion. Ron.

23

24 MR. SAM: Thank you, Mr. Chairman. I
25 think it's kind of appropriate at this time to address
26 Mr. Haynes, Terry Haynes' concern about that moose
27 working group, which we wanted to resolve this issue
28 within themselves. I think that if we fund them, give
29 them more funding to hold more meetings, that we would
30 enhance the position that they can take in resolving this
31 issue. That was my first hope to resolving this issue
32 when we were deliberating Proposal 33 then.

33

34 And which reminds me now that this moose
35 working group for that local area down below Holy Cross,
36 between Holy Cross and the AVCP area, there's a committee
37 formed, and I would like to see it keep going on this
38 issue and keep funded. But that group was based and
39 formed under the model of the Koyukuk moose working
40 group, which has run out. It's five years is up, and I
41 would like to ask that it be reinstated and refunded in
42 some way, shape or form, because it is the model that the
43 Kuskokwim moose working group and the other committees
44 down in that area is based on. These can be very
45 effective tools, and I would like to see them continued
46 in one way, shape or form.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Further discussion.
2
3 MS. GOTTLIEB: Mr. Chair.
4
5 CHAIRMAN DEMIENTIEFF: Yes.
6
7 MS. GOTTLIEB: Well, I'm not quite sure
8 whether -- well, I'll make a motion to support the
9 Western Interior Regional Advisory Council, and open that
10 up for discussion. I'd also like to say that certainly
11 the analyses that were presented will be a good starting
12 ground and provide some good additional information for
13 all the people who are so willing to sit down and talk
14 some more about this.
15
16 Thank you.
17
18 CHAIRMAN DEMIENTIEFF: There's a motion.
19 Is there a second to the motion.
20
21 MR. WILDE: Mr. Chairman. Mr. Chairman.
22
23 CHAIRMAN DEMIENTIEFF: Yeah, I -- let me
24 get a -- I'm going to come right back to you if I can see
25 where this motion is going.
26
27 MR. BISSON: Mr. Chairman, I guess I'm
28 trying to understand what the motion is at this time. I
29 thought the proposal was withdrawn. Are we proceeding
30 with some.....
31
32 CHAIRMAN DEMIENTIEFF: Well, we have
33 already got to them, and we heard that testimony, but we
34 had already -- this train had already left the station.
35 The motion is to support the recommendation of the
36 Western Regional Council, which opposes that, and that's
37 the motion before us, to get something. We have to
38 dispose of the proposal.
39
40 MR. BISSON: So if we oppose the
41 resolution or the proposal, then it basically dies at
42 this point, and they can go back and study it over the
43 next year and come back.....
44
45 CHAIRMAN DEMIENTIEFF: Correct.
46
47 MR. BISSON:to us with something
48 different.
49
50 CHAIRMAN DEMIENTIEFF: Correct. Is there

1 a second to the motion.

2

3

MR. BISSON: I second it.

4

5

CHAIRMAN DEMIENTIEFF: Okay. Harry, you
6 had something?

7

8

MR. WILDE: Yeah, I was going to say, Mr.
9 Chairman, I'm sorry, I didn't know you guys are voting on
10 something. We do respect AVCP, what they do, because he
11 taking care of a lot of people in the area and all over,
12 and we work with them very closely when we get into a
13 bind in some things. And we want to thank -- I want to
14 thank Board members and Chairman, I never have done this
15 before, ever since '99, ever since I become Advisory
16 Council, but I think you never get too old to learn.
17 That's what I did.

18

19

CHAIRMAN DEMIENTIEFF: Paul.

20

21

MR. TONY: Yeah, Mr. Chairman, just maybe
22 out of respect for the ongoing process, I'd like to offer
23 a motion to table indefinitely rather than oppose.

24

25

MR. GOLTZ: You could also move to accept
26 the offer to withdraw, too.

27

28

MR. EDWARDS: Yeah, Mr. Chairman, I guess
29 I also -- I don't know if it's just a matter of how it
30 looks, but it seems to me that by accepting a proposal to
31 oppose, it doesn't send the right signal that we really
32 want, because it could appear that we concur with that,
33 and I don't think it's what we're saying, that we really
34 concur with that. I think we seem to be supportive of
35 letting the process at least go one more go round before
36 we sort of interject in it.

37

38

MR. BISSON: Mr. Chairman.

39

40

CHAIRMAN DEMIENTIEFF: Yes. There is a
41 motion to table. Is there a second to that motion?

42

43

MR. TONY: Which motion are you talking
44 about, Mr. Chairman? There was a motion that was.....

45

46

CHAIRMAN DEMIENTIEFF: Right.

47

48

MR. TONY: It was seconded already, so
49 there's a motion in front of us that we have to vote on I
50 think before -- unless there's a motion to amend that

1 one.

2

3 MR. BISSON: Mr. Chairman, I would like
4 to change my motion to table to a motion to amend, to
5 accept the offer to withdraw the proposal.

6

7 CHAIRMAN DEMIENTIEFF: There is a motion
8 to amend, yeah, the main motion to accept the withdrawal
9 of the motion by the proposal motion. Is there a second
10 to that motion?

11

12 MR. EDWARDS: I'll second it if it's
13 legal to do that.

14

15 MR. BISSON: Mr. Chairman, maybe the
16 simplest thing would be to take the first motion and vote
17 it down and come up with what it is we really want to do.
18 You know, I don't care. Effectively all we're trying to
19 do is give the folks out there a chance to work this out,
20 and I don't know that voting to oppose it necessarily
21 sends the wrong signal, as long as they have a chance to
22 work it out and we get to deal with this again next year.
23 I don't think it matters one way or the other.

24

25 CHAIRMAN DEMIENTIEFF: Since they are not
26 complying, I will rule that motion out of order, the
27 amending motion, because it is not related to the main
28 motion, which is to oppose. If we do vote this down, the
29 main motion before us, and so we will keep the discussion
30 to the main motion. So I will rule that one out of
31 order, and we will deal with the main motion.

32

33 MS. GOTTLIEB: Mr. Chair.

34

35 CHAIRMAN DEMIENTIEFF: And while we're
36 doing all this, we seem to be having a heck of a lot more
37 difficulty. I mean, I see the representative from Tanana
38 Chiefs and AVCP sitting in the back of the room pouring
39 each other coffee, you know, and yet we're struggling
40 with this. I mean, there's going to be nothing that's
41 going to change, you know, that spirit of cooperation
42 between the two organizations and the two RACs. They're
43 going to continue to work on the issue. I don't have no
44 problem, I think what their request was, AVCP, as we
45 recall, was to withdraw. So in order to get it off the
46 table, they didn't say defer, they wanted to withdraw.
47 Okay. So what we do is if we use the Western
48 recommendation to oppose, which we have on the table
49 right now, we are respecting the proposal maker's
50 request, and it will be off the table, and they will come

1 back with something new. So that's why I intend to
2 support the motion that is before us.

3

4 MR. EDWARDS: Mr. Chairman, I guess I
5 personally would prefer to, and which I plan to do, is to
6 vote against the motion as made, and then if that doesn't
7 carry, then follow with a motion to table the issue,
8 which I think personally is a cleaner approach to it.

9

10 MS. GOTTLIEB: Mr. Chair. If this
11 simplifies it -- of course, I made the motion consistent
12 with our Board policy that we're starting with one of the
13 Regional Advisory Council recommendations. Based on all
14 these discussions, if it helps, I'd be glad to withdraw
15 that motion.

16

17 MR. BISSON: I'll withdraw my second.

18

19 CHAIRMAN DEMIENTIEFF: Okay. So now we
20 have nothing in front of us. John.

21

22 MR. LITTLEFIELD: If I could offer a
23 suggestion, Mr. Chair, what I would do is go to Page 521,
24 and you have Yukon-Kuskokwim has a positive motion to
25 adopt the language shown at the top. I would move to
26 adopt that language and the general description, and
27 assuming that you get a second, if you move to table
28 without qualifying, like table to indefinitely is not a
29 proper motion, but just move to table, it goes away. The
30 Board can take it off the table if they want, but I'd
31 recommend that you not do that. So that just simply
32 disposes of the action, then you're going to table it,
33 and the reasons, of course, are because you've been asked
34 to withdraw it, and just make that clear in the record.

35

36 MR. BISSON: Mr. Chairman, perhaps,
37 Keith, you offered a third alterNative which was
38 basically to pass a motion that allows them to withdraw
39 the proposal. That to me, it seems like the simplest
40 thing to do.

41

42 CHAIRMAN DEMIENTIEFF: Yeah, that's a way
43 to do it. I'm just trying to find a way to accommodate
44 the proposal maker, and if we want to do that, then
45 that's fine. Because they obviously want to clean the
46 table so that they can stay at the table to work out a
47 solution, so that would be a way to do it. Probably the
48 cleanest way.

49

50 MR. TONY: Mr. Chairman.

1 CHAIRMAN DEMIENTIEFF: Yes.
2
3 MR. TONY: Unless there's an objection by
4 the Western Interior Regional Council or the Yukon-
5 Kuskokwim Delta Regional Council, I'd like to make a
6 motion to accept the withdrawal of the proposal by the
7 maker of the proposal.
8
9 CHAIRMAN DEMIENTIEFF: Thank you. Is
10 there a second.
11
12 MR. BISSON: I'll second it.
13
14 CHAIRMAN DEMIENTIEFF: Whew. I see we
15 made the Tanana Chief's guy get away from the AVCP guy on
16 this.....
17
18 (Laughter)
19
20 CHAIRMAN DEMIENTIEFF:during the
21 course of the deliberations. But I think we finally have
22 a consensus of maybe -- Ron, do you have something?
23
24 MR. SAM: I think that is the most
25 fairest and best way to deal with this issue. I think
26 that settles it all without irritating or violating Harry
27 or I. I think that is very well said, thank you, Paul
28 Tony.
29
30 CHAIRMAN DEMIENTIEFF: John.
31
32 MR. LITTLEFIELD: Yeah, Mr. Chair, I
33 didn't want to confuse anything, but you did have
34 reasonable Councils with opposing views, and in effect,
35 you're supporting one of them by the motion before you,
36 and that's why I offered that. If you tabled it, you're
37 not supporting either one of them. You're just taking it
38 off the table. But what you're doing is actually
39 supporting the Yukon-Kuskokwim. You have an oppose and a
40 support here, and you're taking a position with one of
41 them by withdrawing. And moving to table would be
42 supporting neither of them, it would just be taking it
43 off the table. That was why I offered that.
44
45 MS. GOTTLIEB: Paul meant AVCP not the
46 RAC.
47
48 CHAIRMAN DEMIENTIEFF: Right. You know,
49 that's the thing we have to understand is that the
50 proponent is AVCP, and they're the ones that want it

1 withdrawn. Irregardless of where the RACs are, I think,
2 you know, we have to honor that request. Oh, I see
3 they're back talking to each other again.

4

(Laughter)

6

CHAIRMAN DEMIENTIEFF: Dan

8

9 MR. O'HARA: Well, if you tabled it, you
10 know, if somebody made a motion to table, it doesn't need
11 a second, and it doesn't come off the table until whoever
12 made the motion brings it off the table, and that's real
13 simple. That's just a comment.

14

15 CHAIRMAN DEMIENTIEFF: Well, the motion
16 is to accept AVCP's withdrawal of their proposal. Okay.
17 That's plain and simple. That gets it off, gives them
18 the room to come back with another proposal. So in that
19 regard, I support the motion. And when they go back to
20 the mat and the slate is clean again, and they can work
21 out a compromise. I'm sure it can be done. It's
22 cautiously optimistic maybe, but I'm sure it can be done,
23 as long as the players are at the table.

24

Is there any further discussion.

26

27 MR. KESSLER: Can we call for the
28 question, please.

29

30 CHAIRMAN DEMIENTIEFF: The question's
31 been called for. All those in favor signify by saying
32 aye.

33

IN UNISON: Aye.

35

36 CHAIRMAN DEMIENTIEFF: Those opposed same
37 sign.

38

(No opposing votes)

40

41 CHAIRMAN DEMIENTIEFF: Motion carries.
42 Let's see. Proposal 62. Well, it is a quarter 'til
43 noon. It will probably take us a little bit longer than
44 that to get through this proposal, so maybe we will just
45 go ahead and do like we did -- oh, you moved to table the
46 rest of meeting?

47

(Laughter)

49

50 CHAIRMAN DEMIENTIEFF: I think we're just

1 going to leave Dan in charge of the meeting from here on
2 out. But anyway, yeah, I think we'll just go ahead and
3 break and come back at 1:00 o'clock.

4

(Off record)

6

7

(On record)

8

9

CHAIRMAN DEMIENTIEFF: Actually we're
10 going to shift gears here a little bit. Actually we're
11 going to leave Western in order to accommodate Ralph
12 who's got things to do and will be leaving at 2:00
13 o'clock, so at least maybe if we go to that, we can at
14 least get your comments in for our consideration, so
15 we're going to try to go to that. So I don't know who's
16 going to do the analysis on 1. You? Okay. Good. Well,
17 let's go ahead and get into it.

18

19

MR. LAPLANT: Thank you, Mr. Chairman.
20 Again for the record my name is Dan LaPlant. Mr.
21 Chairman, I understand we're going to do Proposal and 78
22 together, so I will give the presentation then for
23 Proposal No. 1, and Don Rivard will follow with the
24 analysis on Proposal 78.

25

26

Proposal No. 1 is -- it's a statewide
27 proposal. You can find the proposal analysis on Page 22
28 of your Board Book. This proposal was submitted by Sue
29 Entsminger of Tok, and it requests a regulatory change to
30 allow the sale of handicrafts made from the fur of brown
31 bear. A sale of handicrafts made from black bear fur is
32 currently allowed, and was approved by the Board in 2002.
33 So this request is for brown bear.

34

35

There's a lengthy history on the
36 regulations relating to the sale of various bear parts,
37 and requests for such regulatory changes, but the current
38 regulations that are significant here is that the State
39 authorized the sale of black bear fur for use in
40 handicraft in 1998. The Federal Subsistence Board passed
41 similar regulations in the year 2002, again to allow the
42 same activity under Federal subsistence regulations.

43

44

There's a third regulation that you need
45 to be aware of. It's a National Park Service regulation
46 that allows the selling of handicraft articles from non-
47 edible byproducts only of fish and wildlife taken for
48 personal or family consumption on parks, monuments and
49 preserves in Alaska. So that regulation is currently
50 available to subsistence users also.

1 And now the most recent change was a
2 regulatory change made by the Board of Game in March.
3 And this will go into effect in July, and this regulation
4 allows the sale of brown bear fur used in handicraft. So
5 the State proposal that the Board of Game approved in
6 March is identical to the proposal that's before you now,
7 and it's from the same proponent, asking for the approval
8 for the sale of brown bear fur in handicrafts.

9
10 The effect of allowing the sale of brown
11 bear fur used in handicraft is described in more detail
12 in the analysis, but the high points are that biological
13 concerns with increasing the harvest of brown bear,
14 reproductive capacity of the brown bear are less than
15 black bear, and their population densities are much lower
16 in much of the State. In some areas brown bear don't
17 reproduce until they're at least five years old, and they
18 have a longer reproductive interval and smaller litter
19 size. So therefore increases in harvest of brown bear
20 could have negative effects in some areas of the State.

21
22 The other key point here is that there's
23 a mixture of authorizations and prohibitions for selling
24 bear parts in other states and provinces. And any
25 products of brown bear or black bear that are shipped out
26 of the United States must have an accompanying Federal
27 CITIS export permit, so anybody taking these products out
28 of Alaska and into Canada would require a CITIS export
29 permit.

30
31 The Federal enforcement framework for
32 dealing with the export of handicrafts made from brown
33 bear fur is not currently in place. However, I know the
34 State's currently looking into this as a result of the
35 regulation that they passed that goes into affect in
36 July.

37
38 So approving the sale of handicraft made
39 from the fur of brown bear would align State and Federal
40 regulations. But on the other hand, rejecting the
41 proposal would not deny the requested opportunity,
42 because it will now be authorized under State
43 regulations, and it has already been allowed for
44 subsistence harvest on Park Service lands. It would,
45 however, expand the opportunity for Federal subsistence
46 users in a few small situations. For example, in Unit 5,
47 the Federal harvest limit is five -- excuse me, it's one
48 bear every year, and the State harvest limit is one bear
49 every four years. So those other three bears if they're
50 harvested under Federal regulations, would be available

1 for use of handicraft under the Federal regulation. They
2 wouldn't be under the State regulation, or the new State
3 regulation.

4

5 So the key points in this proposal then
6 are that law enforcement framework along with Federal
7 permit system is currently not in place. Some rural
8 residents would find this practice culturally
9 objectionable. That's also discussed in the analysis.
10 Recent action by the Alaska Board of Game provides
11 opportunity as proposed or as requested in this proposal.
12 And the National Park Service regulations do currently
13 provide that opportunity.

14

15 I do need to explain a little bit about
16 regulatory consistency between Federal and State
17 regulations on the black bear fur issue. Two years ago
18 when the Board approved the sale of black bear fur used
19 in handicraft, we changed the Federal regulation to
20 mirror the State regulation as intended by the Board.
21 But we failed to recognize that the State and Federal
22 definitions were not the same. The Federal definition of
23 fur includes claws attached. The State definition does
24 not. The State actually doesn't have a definition for
25 fur. So therefore under the Federal regulations as
26 written, the sale of fur for handicraft includes claws.
27 The State regulation did not include claws. Now, we've
28 recently gone back through the transcripts of the May
29 2002 Board meeting, and confirmed our understanding of
30 the intent of the Board, and that was to mirror the State
31 regulations. And we intend to correct that error by --
32 in the next publication of the Federal Register, the
33 Federal regulations, by providing a Federal definition of
34 fur that does not include claws attached. The result
35 will be that the sale of black bear fur used in
36 handicraft does not include claws in both Federal and
37 State regulations.

38

39 Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Thank you very
42 much. Written public comments.

43

44 MR. RIVARD: Yes, Mr. Chair. Don Rivard
45 with Office of Subsistence Management. The comments are
46 on Pages 20 and 21 in your Board Book. There are four to
47 support, in support of this proposal, which include the
48 Upper Tanana/Forty-Mile Local Fish and Game Advisory
49 Committee, the Wrangell-St. Elias National Park
50 Subsistence Resource Commission, the Denali National Park

1 Subsistence Resource Commission, the Lake Clark
2 Subsistence Resource Commission supported this with
3 modification to have it designated as brown or grizzly
4 bear. There were also two people that were opposed, or
5 two organizations that were opposed to this proposal.
6 The Alaska Professional Hunters Association, and the
7 Copper River Native/Ahtna, Incorporated, Joint Committee.

8

9 Thank you.

10

11 CHAIRMAN DEMIENTIEFF: Thank you very
12 much. We have John Morrison, is that the one? Yeah.
13 For public testimony.

14

15 MR. MORRISON: Thank you, Mr. Chairman.
16 Thank you for this opportunity to comment on this issue.
17 My name is John Morrison. I'm a resident of Anchorage.
18 I'm a retired wildlife biologist of over 40 years
19 experience, and quite a lot of that time was dealing with
20 management issues.

21

22 I'm personally opposed to this
23 opportunity. I realized that the State Board of Game's
24 action has opened up the discussion here, the proposal
25 here, to allow the use of brown bear in this handicraft
26 thing, but I and some of my acquaintances intend to
27 petition the State Board to rescind its approval of using
28 brown bear fur, and I'm also asking this organization to
29 do the same.

30

31 I'm particularly concerned about the
32 possibility for illegal take of bears for profit. We've
33 had a lot of problems in the past with the sale of gall
34 bladders, bears killed for no other reason than to take
35 the gall bladders and sell them. We've had problems in
36 the past with the sale of polar bear hides in an
37 international market. And I dislike the possibility of
38 this use of brown bear being another serious problem for
39 management. The State and the Federal Board has
40 recognized the brown bear management areas that have been
41 established not only for the protection of brown bears --
42 well, not protection, but at least the useful management
43 of them, both for the sake of the bears as well as for
44 the equitable allocation of them by whatever use, and I
45 feel like this might be a jeopardizing effect on those
46 bear management areas.

47

48 The argument might be made, well, if it's
49 legal to take these other furbearers for sale, such as
50 beaver or whatever, then why not bears. But I think it

1 was pointed out that the difference in the population
2 sizes of these animals, the comparative reproductive
3 rates are such that the brown bears and Interior grizzly
4 bears as well might not be able to withstand any increase
5 harvest of them for this purpose. And it could be argued
6 also that, well, once somebody has taken a bear legally,
7 why shouldn't it be legal for them to sell what is their
8 legal property? But again the purpose in allowing the
9 harvest of these bears is mostly for personal use,
10 personal benefit, not for something to be sold.

11
12 I know that Section 803 of ANILCA
13 provides the opportunity for subsistence use of these
14 animals for handicraft and personal barter, but not -- it
15 does specify not for commercial sale. And I feel very
16 strongly that both the State and the Federal authorities
17 should not extend the possibility for selling parts of
18 these animals.

19
20 Thank you for the opportunity.

21
22 CHAIRMAN DEMIENTIEFF: Thank you very
23 much. That's the only request we had for public comment
24 at this time. In order to accommodate Ralph's schedule,
25 we have Regional comments at this time, and we're going
26 to just take them out of sequence here to accommodate
27 Ralph so that he can get his Council's recommendation in.
28 Ralph.

29
30 MR. LOHSE: Mr. Chair, did you call on me
31 for the Regional Council comments? Sorry. I was
32 thinking that it wasn't quite that drastic that I had to
33 get done that fast, but Southcentral Regional Council
34 voted to oppose this proposal. If you look, you'll see
35 we voted to oppose it with a tie vote. The tie votes
36 represents the fact that this is a controversial issue.

37
38 We felt as a Council that this would
39 probably better be served if it was dealt with on a
40 region-by-region basis, because just like Ahtna putting
41 their letter in, some people do find this culturally
42 objective. And we felt that each reason is going to have
43 to deal with it on the basis of what that region feels
44 like. So we voted to oppose it, and we did a lot of
45 discussion on it. And that discussion just shows how
46 controversial this issue is in the whole State.

47
48 Thank you.

49
50 CHAIRMAN DEMIENTIEFF: Okay. Thank you

1 very much. Southeast.

2

3 MR. LITTLEFIELD: Thank you, Mr. Chair.
4 I'll take the opposite tack and we voted to support this
5 proposal.

6

7 While there was some concern for
8 commercializing brown bear parts taken for subsistence,
9 the Council wanted to ensure that traditional regalia
10 could be repaired, remade or created from bear parts.
11 The Council heard from former Council member Herman
12 Kitka, Sr. Mr. Kitka described the construction and use
13 of brown bear regalia, including the use of brown bear
14 ears and claws. Ears have been used in traditional
15 dancing headgear, and the claws are used for dancing
16 necklaces. Old items are in need of repair, and there's
17 a limited need for fabrication of new dance related
18 regalia. Mr. Kitka noted that artists who make such
19 items are traditionally paid for their work.

20

21 Mr. Adams referred to the Federal
22 definition, skin, hide, pelt or fur means the skin, hide,
23 fur or pelt of a bear shall mean the entire external
24 covering with the claws attached. That's the Federal
25 definition. The Council's intention in its
26 recommendation is to include claws as an item that may be
27 sold as handicrafts. To do otherwise could be construed
28 as being wasteful, to chop off the arms and the legs and
29 claws could be construed to be wasteful.

30

31 Staff clarified that any brown bear parts
32 used for regalia would have to come from a bear taken
33 under subsistence regulations. these regulations require
34 that brown bear meat be consumed, and if this regulation
35 is passed, no brown bear could be taken solely for
36 handicraft purposes.

37

38 The Council noted there were strong
39 controls in the number of brown bears that could be taken
40 for subsistence. Use of brown bear parts for handicrafts
41 from bears that have been taken from subsistence allows
42 you to fully utilize the kill, and everything in it is
43 fair game. In Southeast, the regulations are that you
44 may take one bear every four years. That's legal.

45

46 The Council found that there were no
47 conservation concerns with this proposal. There's lots
48 of bear in Southeast, more than I've ever seen in my
49 life. People don't shoot them any more.

50

1 We found that this was a benefit to the
2 subsistence users if this proposal was accepted, and that
3 it would have negligible affect on the non-subsistence
4 hunters. As a matter of fact, we even got our newest
5 Council member, who's a bear hunter, to come on board on
6 this.

7
8 Harvest, biological and management data
9 that were provided to us were adequate to support this
10 recommendation. And those were the four criteria that
11 our Council uses to decide whether to support a motion, a
12 positive recommendation or not. We found that it met all
13 of those, and we find that the proposal is consonant with
14 sound wildlife management principles, and it received our
15 support, Mr. Chair.

16
17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Kodiak/Aleutians is not here, but they did have a
19 recommendation. I'm going to have who? Don?

20
21 MR. RIVARD: Thank you, Mr. Chair. Their
22 recommendation is found on Page 18 in your book. The
23 Kodiak/Aleutians Regional Advisory Council opposed this
24 proposal. The Council felt that there's no evidence that
25 it was a customary and traditional use of brown bear fur
26 for sale as handicrafts in their region, and some elders
27 have objected to public displays of brown bear hides.
28 The Council was also concerned about commercialization of
29 brown bears.

30
31 Thank you.

32
33 CHAIRMAN DEMIENTIEFF: Thank you. Yukon-
34 Kuskokwim.

35
36 MR. WILDE: Yukon-Kuskokwim Delta
37 Advisory Council does not support Wildlife Proposal WP04-
38 01, being a statewide regulation, and it would be prefer
39 it would be addressed at regional or local level. They
40 also felt that there were being increasing illegal bear
41 harvest and the brown bear for the illegal sale of gall
42 bladders.

43
44 Thank you, Mr. Chairman.

45
46 CHAIRMAN DEMIENTIEFF: Thank you.
47 Western.

48
49 MR. SAM: Thank you, Mr. Chairman.
50 Western opposes this. While we were discussion WP04-01,

1 it doesn't address black bears, but it does under 78, so
2 I will address it.

3

4 We on the Koyukon area consume a lot of
5 bears, and that's how we have some -- I mean, sustain
6 some of our moose populations, and from April to the day
7 before I got here, there's been five black bears
8 harvested this spring, all in good shape for consumption
9 purposes. And if you could open it up to sell bear
10 parts, you could have some prime opportunity, but the
11 whole Koyukon culture just won't allow it. We've forever
12 been against it. It's just against our traditional
13 practices. And for that reason we will oppose 01 and 78,
14 and I think that the only way that this -- I mean, to
15 deal with brown bear and black bear parts would have to
16 go by regions. That's the only way. And Western
17 Interior will probably never go that route.

18

19 Thank you.

20

21 CHAIRMAN DEMIENTIEFF: Okay. They are
22 two separate issues, but I just want to make sure that
23 Ralph had the opportunity to get his Council's views, and
24 that's why -- we will take up 78 also separately, as a
25 separate issue. Seward Penn.

26

27 MS. CROSS: Thank you, Mr. Chair. Well,
28 despite all our complaints about abundance of bears,
29 cultural took over on this one. Like I mentioned before
30 we're really a diverse region. Once we started talking
31 about it, there were people that objected to selling of
32 brown bear parts, because there are some people that live
33 among us in our region that has different cultural values
34 regarding brown bear. The Regional Council thought the
35 proposal would be more appropriately done regionally and
36 not as a statewide issue. I think our regional be
37 divisive about this for a long time. We found out from
38 some of our cultures that it was not culturally
39 acceptable in some parts of the people that we represent.

40

41 And we also felt that this proposal may
42 result in increased illegal harvest, and could provide
43 economic incentives associated with bear hunting, thus
44 changing the incentive of the bear hunters.

45

46 And we also discussed very briefly after
47 -- I'm not sure if it reflected in the records, but we
48 did discuss very briefly that in order to maintain some
49 of our cultural values within our region and have respect
50 for one another's cultural values that it is advisable

1 that we not support this. We would support if it was
2 done on a region wide basis and give each region a chance
3 to decide on their own.

4

5 Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Thank you.
8 Northwest, do you have their recommendation?

9

10 MR. RIVARD: Yes, Mr. Chair. The
11 Northwest Arctic Regional Advisory Council opposed this
12 proposal, and they felt that the proposal should not be a
13 statewide proposal, because each region is different.
14 However, the Council would like to put this regulation in
15 place for the Northwest Arctic Region and will submit a
16 similar proposal during the next wildlife proposal
17 period.

18

19 Thank you, Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Thank you.
22 Eastern.

23

24 MR. FLEENER: Thank you, Mr. Chair.
25 After reading quite a bit of the testimony that's come
26 out and listening, of course, to the testimony, there's I
27 think seven reasons why people don't want to support this
28 proposal. And one I've heard, that it's unenforceable,
29 and we've heard that from enforcement for years. Two,
30 that it's not culturally acceptable. Three, that it
31 might lead to over exploitation. Four, that there's no
32 evidence of previous use of brown bear for handicraft
33 items. Five, the Staff Committee's opposed because of
34 the cultural objections by the other Regional Advisory
35 Committees. Some state that it's in violation of
36 conservation principles. And that it doesn't comply with
37 ANILCA. And so I wanted to talk about these individually
38 I guess, and hopefully I can muster up enough stuff from
39 my memory banks to address some of these issues.

40

41 One, I guess, for starters, in May I
42 think it was 2002, the Federal Subsistence Board
43 legalized the use of black bear fur for handicraft items.
44 And so we have an example of a bear in Alaska where we
45 can sell their parts as handicraft items. We have lots
46 of other resources in Alaska that are used for -- that we
47 harvest and sell their parts. Some of them with no other
48 use except to sell them. We sell fish all over the
49 State. We sell fur, and throw the carcasses away in many
50 cases. We sell endangered marine mammal parts. We sell,

1 of course, black bear parts, and there's probably other
2 ones that I've left off the list. And to those of us who
3 have been talking about the full utilization of
4 resources, at least in the Eastern Interior, we see this
5 as allowing us to, as I just said, fully utilize a
6 resource that we already harvest. If I shoot a bear,
7 don't make me throw the parts away. Allow me to sell
8 those parts so that I can do actually something that is
9 allowed in ANILCA, and that is to -- ANILCA allows for
10 the -- oh, what was it, I wrote it down somewhere. See
11 if I can find it. Okay. Right here. Got it in my
12 notes. ANILCA Section 801.1, Congress found that
13 continued opportunity for subsistence uses which include
14 the making and selling of handicraft items for barter and
15 for customary trade is essential to the economic
16 existence of rural residents.

17
18 Now, this proposal was I think submitted
19 on a statewide basis, because we've tried to submit bear
20 proposals similar to this one in the past within specific
21 Game Management Units, and we were advised not to do it
22 that way, because it's unenforceable. We were advised to
23 do it on a statewide level. We submitted them on a
24 broader regional perspective, and we were once again
25 told, you can't do it this way, you've got to do it on a
26 statewide level, because it's unenforceable. And so now
27 we're bringing it as a statewide proposal, or someone is
28 bringing it as a statewide proposal, and we're being
29 told, no, you should do it on a regional perspective or
30 within your own game management unit. So there's a lot
31 of cross messages here that I think need to be addressed.
32 I think it needs to be done statewide; however, we did
33 get five Regional Advisory Committees that just said that
34 they would support the proposal if it was done on a
35 regional basis.

36
37 So if we ignore enforcement, which
38 there's -- nowhere in ANILCA does it tell us to use
39 enforcement as a reason to oppose any proposals. It
40 talks about sound biological principles and it talks
41 about a number of other things, but unless I've read it
42 wrong, I don't see anything in there that says consider
43 enforcement when you're considering proposals.

44
45 So if we ignore enforcement for a minute,
46 we have support of five Advisory Committees. Maybe
47 that's a direction we could go. I haven't spoken with
48 the person who wants to push this proposal, of course,
49 but maybe that's an option we can look at.

50

1 I also wanted to say that there are many
2 practices that have been adopted in regulations that many
3 of us find culturally offensive. I personally find a
4 number of regulations that we have on the books that are
5 culturally offensive, and I know a lot of us do, yet the
6 Staff have supported these countless times in the past.
7 For example, we're offended at the idea that we have to
8 leave evidence of sex attached, yet we've gone along with
9 that, because enforcement told us that that's important
10 for them to do their job. We find it culturally
11 offensive to report our harvest, because we don't like to
12 brag on what we harvest, and to us that's seen as
13 bragging.

14
15 Number 3, we don't like the idea of catch
16 and release fishing. We think that that's playing with
17 your food, yet there's another culturally sensitive issue
18 that we've sort of gone along with. And in cases such as
19 catch and release fishing, instead of opposing the other
20 Regional Advisory Committees who have supported it, or
21 the Federal Subsistence Board, we haven't opposed those.

22
23 I find it particularly confusing and
24 somewhat offensive when I read the Staff Committee
25 recommendations here, and they state that one of the
26 reasons that they want to oppose these is because of the
27 cultural sensitivity as an issue. Nowhere in ANILCA or
28 any of their -- or anything that I read are they supposed
29 to use the cultural sensitivities of one Regional
30 Advisory Committee against another in doing the analysis.
31 I think it's up to the Regional Advisory Committees to
32 let me know when something is culturally sensitive, and I
33 have the utmost respect for what is deemed culturally
34 sensitive to them, and want to work with other
35 individuals to solve those issues. But I don't think
36 it's the place of the Staff Committee to side with one
37 Regional Advisory Committee over another on culturally
38 sensitive issues. What ends up happening in the long run
39 is you end up favoring one region's culture over another
40 because of recognizing one group of sensitivities over
41 another.

42
43 Of course, the Eastern Interior supports
44 this proposal. As it says here in the testimony, the
45 Regional Council wants to be able to use brown bears
46 taken for subsistence to their fullest extent. We don't
47 like the idea that we have to waste something. We don't
48 like the idea that a lot of our practices we have to do
49 behind closed doors, because the State and Federal
50 Governments have deemed them to be illegal. And we're

1 slowly overcoming a lot of those problems. We can
2 finally legally shoot waterfowl in the springtime. You
3 know, we were criminals for so many years because of
4 that. A lot of other practices are the same way. And
5 here's another one. We have a long history of using
6 parts of brown bear for handicraft items. I didn't wear
7 it, I don't know why not. This would have been a perfect
8 time. But I have a necklace that I often wear to these
9 meetings that has brown bear parts on it. And I'm sort
10 of surprised that someone said that there is no evidence
11 of use of brown bear for handicraft items, because I've
12 seen it all over the state, wherever there are brown
13 bear. People use parts of most animals in some cases for
14 handicraft items.

15
16 And so to continue with this, currently
17 there isn't sufficient data available to show that these
18 type of abuses which were pointed out earlier are
19 occurring -- excuse me, I'm reading the wrong one. We
20 don't feel that selling brown bear fur would be
21 detrimental to brown bear populations, or that it would
22 be a law enforcement problem especially in the Eastern
23 Interior where we don't have much in the way of law
24 enforcement anyway. We never see law enforcement in the
25 Yukon Flats, for example.

26
27 It's also pointed out here that hunting
28 guides are allowed to make thousands of dollars for
29 taking someone out to shoot a brown bear, and that we
30 would like to use subsistence taken bears full -- you
31 know, we would like to get full utilization from these
32 resources.

33
34 So I think I've said enough. Thank you,
35 Mr. Chair.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. North
38 Slope is not here, but I understand you have their
39 recommendation.

40
41 MS. B. ARMSTRONG: Yes, sir, Mr. Chair.
42 North Slope Regional Advisory Council opposed this
43 proposal, and they favored dealing with this on a region-
44 by-region basis, and they also will submit a similar
45 proposal for the North Slope Region to be taken up at
46 their winter meeting in 2005.

47
48 Thank you, sir.

49
50 CHAIRMAN DEMIENTIEFF: Thank you. Okay.

1 At this time we are going to suspend final comments --
2 oh, Dan left?

3

4

MR. EDENSHAW: Yes, Mr. Chair.

5

6

7

ahead.

8

9

MR. EDENSHAW: Thank you, Mr. Chair, and
10 Board members. The Bristol Bay Council at their meeting
11 supported the proposal. The Council felt that by
12 adopting the proposal, overharvest and illegal harvest or
13 sale of brown bear parts would not occur. Currently
14 there isn't sufficient data available to show that these
15 types of abuses are occurring. In certain areas of the
16 Bristol Bay Region bear seasons have been liberalized,
17 and there have been no reported abuses. The Office of
18 Subsistence Management Staff biologist stated it may take
19 five years to see any potential abuses. If there are
20 abuses occurring, then the Council could submit a
21 proposal to change the regulation if needed.

22

23

The Council also felt if the proposal was
24 adopted, it would provide additional opportunities for
25 those individuals who make handicraft items to generate
26 income.

27

28

Thank you, Mr. Chair.

29

30

CHAIRMAN DEMIENTIEFF: Thank you. Okay.
31 With that we're going to -- before we get to the Staff
32 Committee report, we're going to shift gears here. We
33 have noticed public testimony on composition at 1:30 and
34 it's about 1:40 now. So we're going to go ahead and
35 suspend discussion on No. 1 until after we begin the
36 public comment period.

37

38

We have one person.

39

40

MR. BOYD: I have a brief introduction.

41

42

CHAIRMAN DEMIENTIEFF: Go ahead. Tom has
43 a brief introduction, and then we'll move on.

44

45

MR. BOYD: Mr. Chair, thank you. I think
46 just to advise the Board very briefly on some of the past
47 and how we got to this point and what we're doing today,
48 I thought I would just introduce this topic. In 2002 the
49 Federal Subsistence Board was instructed by the Secretary
50 of the Interior to review its process for selecting

1 nominees for selection to membership on Regional Advisory
2 Councils and to see that groups representing non-rural
3 areas and commercial and sport users of fish and wildlife
4 are represented on the Councils. Based on that review,
5 the Board recommended and the Secretaries decided to
6 increase the size of nine of the Federal Subsistence
7 Regional Advisory Councils. They established a
8 representation goal of 70 percent subsistence users and
9 30 percent sport and commercial users, revised the
10 application/selection process and forms, and approved a
11 three-year phase in period for implementing these
12 changes. Prior to these decisions, in 1998 the Safari
13 Club International and others filed suit in the U.S.
14 District Court of Alaska challenging, among other things
15 the balance of membership on these Councils. The Native
16 Village of Venetie Tribal Government, et al., were
17 permitted to intervene in this case, and to challenge the
18 70/30 ratio goals previously adopted by the Secretaries.

19
20
21 In January of this year, the District
22 Court entered an order in this case, and as it relates to
23 this issue, the Court noted, and I'll quote just
24 selectively, that a Council compromised (sic) of only
25 subsistence users is not fairly balanced, and secondly a
26 cross section of those affected by fish and wildlife
27 management on Federal public lands must be in a
28 reasonable and fair manner afforded representation on
29 Regional Advisory Councils. So I guess one could say
30 that there was at least from the court's perspective
31 agreement in principle on what the Board had done.

32
33 However, in the ruling, the Court
34 enjoined -- in ruling on the cross claim filed by the
35 Native Village of Venetie, et al., the court enjoined the
36 Secretaries' policy of a goal of a 70/30 membership
37 ratio, because it failed to procedurally comply with the
38 Administrative Procedure Act and found that the policy
39 should have been put forward to the public for comment in
40 a rule making process. So the Court ordered that the
41 Secretaries implement this process immediately. Or I
42 should say the Secretaries to promptly initiate this
43 process.

44
45 As a result of this order, the process
46 commenced with the publication of a proposed rule, which
47 we've passed out to everyone. The rule was published on
48 April 15th, and the comment period closes on June 1.
49 Opportunity for public testimony is to happen during this
50 meeting today, and after receiving and reviewing all of

1 the written comments and the testimony provided today,
2 the Board is to forward a recommendation to the
3 Secretaries.

4
5 CHAIRMAN DEMIENTIEFF: Thank you. Anna
6 Seidman.

7
8 MS. SEIDMAN: Good afternoon. My name is
9 Anna Seidman, and I'm here to represent Safari Club
10 International and its Alaska chapters. Thank you for
11 allowing me to speak today.

12
13 I would like to start by complimenting
14 the Board and its Staff on a number of recent changes in
15 Board and Council procedures, including adopting formal
16 Board operating procedures, recognizing the liaison role
17 of the State of Alaska, and institutionalizing an ethical
18 conflict of interest disclosure for Council members.

19
20 However, today I'm here to comment on the
21 court ordered rule to balance the membership of the
22 Regional Advisory Councils. At the outset I can state
23 that my clients believe that the proposed rule as written
24 provides a good foundation for the effort to comply with
25 the Federal Advisory Committee Act. However, we also
26 believe that the proposed rule requires further
27 clarification and amplification for full FACA compliance.

28
29
30 We agree with the language of the
31 proposed rule in that it properly reflects that the law
32 does not establish a mandatory majority interest for
33 subsistence users. By striving for as opposed to
34 requiring a 70/30 split in membership between subsistence
35 and non-subsistence users, the rule can accommodate
36 variations in the distributions of hunters and fishermen
37 in different regions. To better accommodate the
38 potential fluctuations, we propose the following
39 modification to the language of the rule.

40
41 Quote, The Board will strive to ensure
42 that no more than 70 percent of the members represent
43 subsistence interest within a region, and no less than 30
44 percent of the members represent commercial and sports
45 interest within a region.

46
47 This modification in language will help
48 the Board to determine the correct number of non-
49 subsistence interest representatives to include in the
50 membership of Councils that have 13 or more members.

1 Since individual members cannot be divided into
2 fractions, this modified language will give the Board the
3 authority to avoid diluting the non-subsistence voice
4 with a less than 30 percent representation.
5

6 Those who are appointed to fill those
7 non-subsistence seats must do so in more than name only.
8 Each member must be selected to give his or her interest
9 group and/or community a voice in the discussions and
10 recommendations that are made to the Federal Subsistence
11 Board. As explained by Paul Smith, Deputy Associate
12 Solicitor to the U.S. Department of Interior in his June
13 17th, 2002 letter to Chairman Demientieff, quote, all
14 contending consumptive users should have a voting voice
15 as well as the opportunity to craft a minority report,
16 unquote. In order to serve a particular interest group,
17 each Council member must take seriously his or her role
18 in protecting the interest that he or she has been chosen
19 to represent. An individual who primarily considers
20 himself a subsistence user cannot represent the
21 commercial fishing community simply because he or she
22 holds a commercial fishing license. Similarly, a
23 recreational hunter cannot represent the subsistence
24 community simply because he or she eats the meat from the
25 animal that he or she has hunted.
26

27 Currently individuals are being appointed
28 to fill the non-subsistence seats who are not qualified
29 to represent those interests. Take for example the
30 statement of Regional Advisory Council -- of a Regional
31 Advisory Council member of the Southeast RAC during the
32 meeting of March 17th, 2004 who said, quote, I originally
33 moved to Alaska to pursue the subsistence lifestyle that
34 I grew up with in the Pacific Northwest. I ended up
35 becoming a commercial family and raising my family here.
36 And I am still real active in subsistence uses, but this
37 seat is designed -- excuse me, is designated as a
38 commercial seat. But I want to emphasize that my reason
39 for participating and wanting to be on this Council is to
40 protect the subsistence rights of all rural peoples,
41 unquote.
42

43 The Council member quoted was appointed
44 to represent and protect the legal interests of the
45 commercial fishing community, but as stated, his primary
46 purpose for serving on the Council was to protect the
47 interests of an entirely different community. His
48 appointment to the Council does nothing to provide the
49 voice referred to by Deputy Associate Solicitor Smith or
50 the cross section ordered by Federal District Court Judge

1 Holland.

2

3

4 In order to properly balance the
5 Councils, the Board must recommend to the Secretaries
6 individuals who are capable of and are willing to offer
7 the voice of each of the subsistence, sport, and
8 commercial hunting and fishing interests. To ascertain
9 an individual's ability to speak for a particular
10 interest group, the FSB Staff must look beyond the
11 applicant's paperwork and references to determine whether
12 that individual can truly speak for the interests he or
13 she seeks to represent. The Staff should determine from
14 State and Federal records whether the individual has
15 complied with the applicable State and Federal law and
16 has applied for and received all the necessary licenses
17 and permits applicable to the uses of the interests he or
18 she seeks to represent. For example, a recreational,
19 commercial or subsistence hunter, fisherman or outfitter
20 should have the appropriate State license and permits to
21 hunt and/or guide. A subsistence hunter should also have
22 the necessary Federal permits applicable to subsistence
23 hunting priorities in his or her reason.

23

24

25 In addition, each applicant should be
26 able to show that he or she is part of and is recognized
27 by the community interest he or she aims to represent.
28 The FSB Staff should not merely rely on the word of the
29 references provided by the applicant, but should contact
30 the appropriate community-based organizations and
31 associations such as the relevant tribal organizations,
32 the Alaska Outdoors Council, the Alaska Professional
33 Hunters Association, Safari Club International chapters,
34 et cetera, to learn whether the applicant is a member or
35 whether the organization can verify that the applicant
36 actively participates in the interest group he or she
37 seeks to represent.

37

38

39 Representatives who fill 30 percent of
40 the seats must represent a cross section of non-
41 subsistence interests. As stated by Federal District
42 Court Judge Holland, a fairly balanced advisory committee
43 requires, quote, a cross section of those affected by
44 fish and wildlife management on Federal public lands,
45 unquote.

45

46

47 Nothing in the proposed rule as written
48 ensures that cross section. For example, under the rule
49 as written, the not less than 30 percent segment could be
50 composed entirely of commercial fishermen. In such a
51 case, sports hunters, outfitters, air taxi providers, et

1 cetera, would not be represented at all. To avoid such a
2 scenario, the proposed rule should be modified to include
3 the following language that tracks the recommendations of
4 Solicitor Paul Smith.

5
6 Quote, the not less than 30 percent of
7 the membership who represent the commercial and sport
8 interests shall include at least one representative from
9 the sport hunting community and one representative from
10 the commercial fishing community in regions where those
11 interests exist, unquote.

12
13 Once appointed, non-subsistence interest
14 representatives must be able to use their voice. The
15 membership balance of the Councils applies not only to
16 interest, but also to function. Congress specified in
17 the FACA that the membership of each committee also be
18 fairly balanced in terms of the functions to be performed
19 by committee members. Since one of the main functions of
20 the Regional Advisory Council is to make recommendations
21 on subsistence-related issues, the minority interests
22 included in the Council's membership must also be an
23 integral part of this process. As stated by Solicitor
24 Smith in his previously mentioned June 17th, 2002
25 letter, the minority interest on the Councils must be
26 given the opportunity to craft a minority report on the
27 recommendations submitted to the Federal Subsistence
28 Board.

29
30 Non-subsistence interest voice should not
31 be unfairly silenced. Although we applaud the Board for
32 recognizing the need for RAC conflict of interest
33 disclosures and recusals, we feel that the disclosure
34 requirement is being applied too restrictively and is
35 currently tainting the Board's court-ordered attempt to
36 fairly balance the Councils. Currently, through
37 modifications to their charters, the Councils consider
38 only financial interest as a source of potential
39 conflicts of interest. For subsistence priorities,
40 financial interests are only one of many potential
41 imbalances that may result from allowing those too
42 interested in a particular matter to vote on that issue.
43 The Board and the Councils need to broaden their
44 definition of potential conflict to include benefits
45 and/or detriments that are not specifically financial.

46
47 Other agencies have adopted similarly
48 broad definitions for potential conflicts of interest for
49 Council members. The National Aeronautics and Space
50 Administration, for example, defines conflict of interest

1 to include institutional affiliations, professional
2 biases, and familial relationships.

3
4 For a Council member, a conflict could
5 well arise if that member introduces, discusses and seeks
6 to vote on a proposal to give a subsistence hunting
7 priority to his or her own community, in which he or his
8 family will be allowed to participate. No Council member
9 should be permitted to discuss in his RAC membership
10 capacity or vote on any proposal that would allow a
11 hunting or fishing priority from which he or his close
12 family members would benefit. Without this modification,
13 current procedures will inevitably negate the votes of
14 those representing the commercial and sport communities
15 far more often than those representing the subsistence
16 communities, even though individuals from the subsistence
17 community could experience a significant and/or direct
18 benefit from supporting and voting on significant
19 proposals. As a consequence, this ethics procedure as
20 currently applied unfairly disenfranchises the non-
21 subsistence hunting and fishing representatives and
22 consequently undermines the fair balance that the FSB is
23 legally bound to achieve.

24
25 In conclusion, SCI supports the principle
26 of the 70/30 balance for membership of Regional Advisory
27 Councils. However, in SCI's opinion, it is not enough
28 for the FSB to simply go through the motions to establish
29 a rule to fairly balance the membership of the Councils.
30 The FSB must also adopt and modify procedures that will
31 provide the necessary cross section of interest and will
32 afford each interest the proper voice to which each is
33 entitled.

34
35 Thank you very much.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. Any
38 questions.

39
40 MS. GOTTLIEB: Mr. Chair. Thank you, Ms.
41 Seidman for making the trip here. I guess I'd just be --
42 wondered if you would define what you think the role of
43 the Regional Advisory Councils should be?

44
45 MS. SEIDMAN: Well, I believe that the
46 role of the Regional Advisory Councils is to make certain
47 that subsistence priorities are afforded when it is
48 legally appropriate. And therefore I think that the
49 Regional Council members must do what is appropriate to
50 determine when these subsistence priorities are

1 appropriate and when they should be afforded, and in
2 cases where they should not be afforded, then the
3 interests who have a say should be given that say.

4

5 CHAIRMAN DEMIENTIEFF: Other questions.
6 Thank you very much for taking the time and considerable
7 expense to get up here.

8

9 MS. SEIDMAN: Thank you very much for
10 letting me have this opportunity. I have spent a lot of
11 time working on Federal Subsistence Board issues, but
12 it's my pleasure to have the first opportunity to
13 actually attend a Board meeting.

14

15 CHAIRMAN DEMIENTIEFF: Well, that's where
16 all that information is coming from, behind the scenes.
17 Wilson Justin.

18

19 MR. JUSTIN: Thank you, Mr. Chairman.
20 Members of the Board. I don't have a lot to provide on
21 the issue, but I will start with the general statement of
22 background.

23

24 I have been involved in the subsistence
25 debate since 1975 through employment with Ahtna, through
26 a special working relationship with tribal Councils, and
27 as an advocate on a personal basis even during the time
28 that I was still active as a big game guide. So there is
29 no real surprise for me in these ongoing debates in terms
30 of intent of law.

31

32 I would like to point out in the current
33 issue before us on the composition of the Regional
34 Councils that there's a couple things that need to be
35 remembered in the deliberations. I support balanced
36 Councils, and like the young lady before me said, the
37 intent of the Regional Councils also in my estimation is
38 that priority consumptive subsistence use is headlined
39 and protected.

40

41 The issue that I have, and it's not
42 really an issue. I think it's just an overlooked item in
43 terms of wheretribal Councils fit into the debate in
44 terms of the subsistence breakdown. It's hard for me to
45 come up with solid numbers, but I can tell you this,
46 participating in subsistence activity is extremely
47 costly. Over the years any number of tribal groups and
48 Native advocates have basically gotten into the
49 subsistence debate for a little while, and then have to
50 go home. You simply run out of money, you run out of

1 time, you run out of resources, and you cannot sustain an
2 ongoing participatory activity within a subsistence
3 debate consistent with protection of subsistence, and
4 that's the bottom line in my estimation. By rote, tribal
5 Councils statewide have stepped into the subsistence
6 debate over the 15 years on behalf of constituents. The
7 subsistence constituents themselves were not able to
8 carry the cost.

9
10 In the proposed rule here, I note that on
11 the Federal Register dated April 15, Thursday, this would
12 be the second page, there's a statement here that says in
13 accordance with the President's memorandum of April 29,
14 1994, government-to-government relations with Native
15 American tribal governments, Executive Order 13175 and
16 512DM2, we have evaluated possible effects on Federally
17 recognized Indian tribes, and have determined that there
18 are no effects. And I take issue with that statement,
19 because I think there is a lot of potential effects on
20 tribal governments in the subsistence arena by the
21 proposed action for a number reasons. I'll outline a
22 couple of one.

23
24 Number 1, participating in the dialogues
25 in terms of determining who is going to be appointed is
26 very costly. It's time consuming and it's costly to the
27 people who are part of it. It means review, it means
28 discussions, it means questionnaires, it means you have
29 to know who these people are being appointed to the
30 Councils are.

31
32 And, number 2, there's in my mind a
33 particularly elusive danger of having the divisiveness of
34 subsistence activity begin to crop up in your background,
35 in your home country. Over the years subsistence
36 advocates have managed to maintain a very broad support
37 of all subsistence activities in the State. We generally
38 support each other no matter where we're from and who we
39 are among the Native groups. By beginning to break
40 Regional Councils and Advisory Councils into faces and
41 names, people and places, we begin to select advocates
42 who say things we like more than other advocates. And
43 after almost a generation of battling in this particular
44 arena, I don't see how we're going to be able to get away
45 from more personal animosity in terms of who gets
46 selected from a region over someone else. We're not
47 talking about qualifications. We're talking about a
48 popularity contest and who has the most pull with the
49 local franchise owners, which is usually agencies or Fish
50 and Game.

1 Therefore, you can record me as saying
2 that I can't support, even though I understand the
3 underlying issue as being court ordered, I don't see how
4 a tribal Council can effectively support a 70/30 split,
5 because it really illustrates the weakness of the process
6 when that occurs. A tribal Council already is a minority
7 within a minority. They already are suffering economic
8 distress from having to deal with the issues on a
9 political arena statewide and nationally. And then
10 you're asking them to also participate in extended
11 dialogues about who is going to be on these Regional
12 Councils.

13
14 So having said that, I thank the Regional
15 Council and the Chair for the opportunity to bring up
16 these concerns. I understand that overall I think I'm
17 reflecting a lot of people's background thoughts, and I
18 don't know if that's sufficient to change how the
19 compositions are made, but those are my comments, and I
20 thank you.

21
22 CHAIRMAN DEMIENTIEFF: Thank you very
23 much. Any questions.

24
25 MR. EDWARDS: I guess one question I
26 would have then, what would you propose that the
27 composition would be? You seemed at the start of your
28 presentation, you said that you concurred with having a
29 diverse group, but you're expressing concerning. If this
30 was a perfect world from your position, what would it
31 look like?

32
33 MR. JUSTIN: Well, I think in part I'm
34 going to answer the question in two steps. First of all,
35 the issue of subsistence to me has never been properly
36 settled at the Regional Council levels, because there are
37 no agreed upon definition of what constitutes a
38 subsistence user. All subsistence advocates like myself
39 from the tribal level have always considered subsistence
40 advocates to be in the minority on the Regional Councils.
41 And if you'll bear with me for a second, I say that in
42 our estimation, we've had to accommodate many other
43 users, including sports users and advocates already on
44 the Regional Councils.

45
46 In the outlook that I share along with
47 other tribal officials is that we've already had to give
48 up seats on the Regional Councils to other users, and
49 that part I think was probably overlooked by the courts,
50 because very few subsistence advocates wanted to be on

1 Regional Councils, because when you go on a Regional
2 Council, you lose the umbrella of being an advocate. One
3 of the reasons why I have consistently refused to be on a
4 Council is because if I'm on the Regional Council, I
5 can't get out here in front and advocate on behalf of the
6 constituency I represent. And this is why we already
7 feel that we've given up quite a bit of multi-use
8 designations on the Regional Councils.

9
10 CHAIRMAN DEMIENTIEFF: Any other
11 questions. Thank you very much, Wilson, for taking the
12 time to be with us. Appreciate it.

13
14 MR. JUSTIN: Thank you much.

15
16 CHAIRMAN DEMIENTIEFF: Gloria Stickwan.

17
18 MS. STICKWAN: My name is Gloria
19 Stickwan. I serve on the Southcentral Regional Advisory
20 Council.

21
22 I know that Secretary Norton told -- has
23 told us at a meeting to go forward, that the process must
24 go forward. There's a FACA requirement that has to be
25 met. I know and understand that there isn't a choice, we
26 have to go forward. I just want to speak to the
27 composition.

28
29 I think that you need to really look at
30 the 70/30, because the first meeting that we had that I
31 went to, the votes were like very, very close on
32 subsistence proposal. When we talked about the Heritage
33 proposal to do a camp, an education camp, that passed,
34 but it was with difficulty. I had to -- I was questioned
35 a lot. In the past, three years ago when Mentasta
36 brought the same proposal, no difference, it passed.
37 There was no discussion. But at this last meeting, I had
38 to sit there and answer question after question. It took
39 us two and a half hours before they finally said yes and
40 it was passed.

41
42 In the future these proposals are going
43 to be difficult to pass, because of the composition.
44 That needs to be looked at. There must be more
45 subsistence users on those RAC committees. You need -- I
46 would like to see a letter or something to Secretary
47 Norton on the composition to maybe be 80/20 percent, or
48 work on the percent so it's more favorable to the
49 subsistence users. Because it was one person missed,
50 didn't make it to the meeting, and I believe she was

1 signed up as a subsistence user. If the she was there,
2 the vote would have been a lot easier to pass some of the
3 proposals. But since she wasn't, it was like the bear,
4 handicraft bear, it was six to six. It was a tie vote,
5 and it was because of that it was supported. I mean, tie
6 vote forced it to, and that's the only reason that got
7 passed. So it's getting difficult to pass these
8 proposals on subsistence. If any one of us subsistence
9 users on the Council don't make it to the meeting, if two
10 of us are gone, you're going to see proposals that are
11 going to be reversed to subsistence priority. You are
12 going to see proposals that are going to support -- that
13 won't be supporting subsistence. That's my own personal
14 opinion when I say that, and that's my current concern
15 is.....

16
17 I'm not saying that you don't need to
18 have different people on there, sportsman users. You
19 have to because of FACA. It's FACA requirement, but
20 please look at that composition. Write a letter to
21 Norton saying that there just be more subsistence users
22 on there, otherwise the whole ANILCA, what it's purpose
23 and what it was written for with the 70/30 percent right
24 now, it's going to be an Act that's a failure, because
25 you're going to get proposals that are going to be passed
26 that may not support subsistence priority because of the
27 composition.

28
29 Thank you.

30
31 CHAIRMAN DEMIENTIEFF: Thank you very
32 much. Any questions. Thank you. Appreciate you taking
33 the time.

34
35 Council Chair discussions. Anybody want
36 to contribute to this. John.

37
38 MR. LITTLEFIELD: Yes, sir, Mr. Chair.
39 First I'd like to give a little background on -- we have
40 a noticed meeting that's been published in the Federal
41 Register, and the Southeast Alaska Regional Council is
42 going to have a teleconference meeting on June 1st, and
43 it's open to the public, assuming we are going to get a
44 quorum, and we're going to conduct business with the main
45 reason is to provide a written comment to the Federal
46 Subsistence Board officially, because the 70/30 proposed
47 rule came out after the Regional Councils met, and we
48 didn't have opportunity to debate this at our meeting.

49
50 However, our Council has been

1 consistently active in this issue, and we've prepared in
2 the interest of trying to have a meeting that goes
3 smoothly on July (sic) 1st, we've prepared some draft
4 comments that each Council member in the Southeast Region
5 has a copy of, and those are the talking points, and I
6 guess I would go to those, Mr. Chair.

7
8 Thank you, Mr. Chair, for the opportunity
9 to review on the proposed rule concerning the membership
10 qualifications for the Federal Subsistence Regional
11 Councils established under subsistence managed
12 regulations and to provide the recommendation of the
13 Southeast Regional Advisory Council.

14
15 The Council will meet on June 1st, 2004,
16 as I mentioned, and we will formalize these proposals,
17 and they may change slightly from these, but these are
18 past comments and stands that the Regional Advisory
19 Council has put in writing and by letters to the Chair,
20 Mr. Demientieff, and others in our transcripts. So these
21 are nothing new.

22
23 The Southeast Regional Advisory Council
24 has closely followed the issue of Council composition.
25 The Council expressed its views on the proposed change in
26 a Council composition letter from Chairman William Thomas
27 to the Secretary on October 21st, 2002. And I'm sure the
28 Federal Board is aware of that letter, and I have a copy
29 of it if you're not. The concerns that we expressed in
30 that letter continue to reflect the Council views
31 concerning Council compositions.

32
33 We also note that the Federal District
34 Court agreed with two of our procedural concerns and has
35 required this formal rule making to be undertaken.

36
37 The proposed rule would establish the
38 goal of making appointees to the Regional Council so as
39 to achieve where possible a representation goal of 70
40 percent subsistence users and 30 percent sport/commercial
41 users. This goal would be achieved through designated or
42 declared seats on the Regional Councils. The change
43 would also require the Board to identify to the
44 Secretaries the interest or interests that the applicants
45 would represent.

46
47 We continue to have both substantive and
48 procedural concerns with these provisions of the proposed
49 rule, and we're going to recommend an alterNative method
50 of ensuring that the Federal Advisory Committee Act

1 direction, quote, that an advisory committee must be
2 fairly balanced in terms of point of views represented
3 and the functions to be performed are met.

4
5 First our substantive concerns. We
6 completely agree with the FACA direction that committees
7 be fairly balanced in the terms of points of view
8 represented. We believe, however, that, number 1, the
9 existing Council compositions have been in line with this
10 direction, and that's consistently been our stand. Two,
11 the proposed rule will not achieve its intended result.
12 And, three, that the points of view other than
13 subsistence and sport/commercial may need to be
14 represented.

15
16 Number 1. We examined the composition of
17 the Southeast Regional Advisory Council at the end of
18 2002 when the 70/30 rule was first under development. At
19 that time we found that 10 of the 12 current members of
20 the Council have been commercial fishers, six of these
21 rely on commercial fishing for a major portion of their
22 livelihood. Four of the 12 members are urban residents
23 not eligible for subsistence. Four members run or work
24 in the sport fish charter business, and five members
25 depend on tourism for a substantial amount of their
26 yearly income. In our view, this Council composition has
27 been, quote, fairly balanced in terms of points of view
28 represented and the functions to be performed. The
29 present 2004 Council roster, if you look at the members
30 that we currently have, has this similar range of
31 interest.

32
33 And, secondly, the proposed rules
34 requires that designated seats on the Regional Councils
35 be given to sport/commercial interests. This is wholly
36 artificial and unworkable in the Alaskan context, because
37 almost everyone who is actively engaged with fish and
38 wildlife resources occupies several roles. There are few
39 persons who are 100 percent exclusively subsistence
40 harvesters, 100 percent sport harvesters or 100 percent
41 commercial harvesters. Typically subsistence harvesting
42 depends on cash income earned from commercial fishing,
43 chartering, guiding, or trapping. Both commercial
44 fishermen and hunting guides rely on fish and wildlife
45 they harvest to feed their families. And sport fishermen
46 and charter operators also practice subsistence. Most
47 rural residents are subsistence users under Federal law
48 and regulation. Under Alaska law, Alaska residents are
49 subsistence users, all of them, under the State of Alaska
50 statutes.

1 Since almost all possible Council members
2 have strong involvement in subsistence, sport and
3 commercial uses of fish and wildlife, we consider the
4 proposed rule to be arbitrary. We do not believe, for
5 example, that a high liner commercial fisherman who has
6 declared himself to be a subsistence -- represent
7 subsistence users ceases to also represent commercial
8 fishermen. Similarly, a Council member who is an active
9 participant in subsistence hunting and fishing does not
10 cease to represent that interest simply because he or she
11 declares himself to be a commercial fishermen.

12
13 We point out that FACA required balance
14 in the points of view represented. It does not require
15 that a potential committee member make an arbitrary
16 declaration of intent to represent that single interest.

17
18 Third, and finally, we believe that,
19 quote, a cross section of those affected by fish and
20 wildlife management on public lands, unquote, requires
21 the inclusion of other interests. Conservation, Native
22 heritage, recreation interests, for example, may have
23 points of view that need to be represented on the
24 Councils. Since these interests are, quote, directly
25 affected by management of fish and wildlife for
26 subsistence users. Not just sport and commercial.

27
28 We go now to our procedural concerns. In
29 an earlier letter, the Council said that proposed changes
30 in Council composition needed to be put before the
31 existing Regional Councils for their review. This is per
32 Section 805 of ANILCA. And that's why we're having our
33 June 1st meeting, because we did not have a chance to
34 comment on this, and we need to. The Southeast Regional
35 Advisory Council will be making its formal recommendation
36 to the Federal Subsistence Board through the written
37 comments that come out of that meeting. We'll have them
38 that day. And this recommendation is due the deference
39 accorded under Section 805, and it should have been
40 accorded to all Regional Councils, should have had that
41 same opportunity. And we were stuck with the 30-day
42 notice of trying to get in a noticed meeting that could
43 occur on June 1st, and it was just barely made it under
44 the gun.

45
46 Okay. We have concerns that the dates of
47 the comment period for the proposed rule will not allow
48 the other Councils to provide their comments and
49 recommendations. Except for the Southeast Regional
50 Council, no other Council has a noticed meeting scheduled

1 during this very limited time period. We were just lucky
2 enough and astute enough to be told to do that.

3
4 Second, our second procedural concern has
5 to do with tribal consultation, as had been mentioned
6 earlier by one of the previous speakers. We believe the
7 proposed change may potentially affect the interest of
8 tribal members. And I think that's very, very clear. As
9 such, the proposed changes are subject to consultation
10 with recognized tribes. And as a previous speaker
11 mentions, Executive Order 13175 requires that Federal
12 agencies develop an accountable process for ensuring
13 meaningful and timely input by tribal officials in a
14 development of legislation and regulatory policies that
15 have tribal implications.

16
17 Further, in carrying this out, the
18 meaningful consultation with tribes utilizes the
19 following principles. Number 1, you will comply with
20 laws and regulations in a manner consistent with the
21 special and unique legal and political relationship with
22 tribes. Government-to-government consultation generally
23 involves more than the rights of a tribal official as
24 members of the general public to comment on proposed
25 policies or actions under other Federal laws of general
26 applicability.

27
28 Secondly, collaboratively involve the
29 tribes as early as possible in the development of
30 regulatory and management policies, resource, land
31 management plans, study plans and actions that may have
32 tribal implications. Work with the tribes to determine
33 whether a proposed policy or action has implications for
34 their rights or interests that may warrant consultation,
35 and where consultation is necessary, work with the tribes
36 to establish an effective consultation practice. I note
37 that has not been done in this case.

38
39 Our recommendation, this is the draft
40 recommendation, we will refine this and put it in writing
41 for you on June 1st, is we recommend that the Council
42 nominee evaluation guidelines be changed to ensure that
43 Council candidates' background, position, community
44 involvement and experience be carefully evaluated through
45 the panel review process. Panels charged with evaluating
46 the nominees should objectively evaluate which interest
47 would be represented by each candidate. Most nominees
48 are likely to be found to represent a number of
49 interests. The Board, relying on the panel
50 recommendations, should recommend those nominees for

1 Secretarial appointment with the goal of maintaining the
2 balance on the Councils.

3
4 The Board recommendations and Secretarial
5 appointments will include an evaluation that documents
6 exactly how the FACA required balance on each Council
7 will be maintained. This would better meet the intent of
8 FACA than an arbitrary and unworkable composition based
9 on a formula for unrealistic designated seats.

10
11 The Council charters detail Council
12 functions and responsibilities, because the functions to
13 be performed by the Councils are closely focused on
14 implementing subsistence provisions of ANILCA, knowledge
15 and experience with subsistence harvesting and fish and
16 wildlife, and community leadership on subsistence issues
17 continue to be the primary evaluation criteria for every
18 nominee. The ability to represent other interests is
19 ancillary to the ability to represent the subsistence
20 users. This is complying with ANILCA.

21
22 Finally, we recommend development with
23 Council and Staff involvement of guidelines to ensure
24 that the Council composition also maintain ethnic, gender
25 and geographical balance. And balance of these interests
26 are also, or may be required by FACA.

27
28 ANILCA established the Regional Councils
29 to be the cornerstone of management of subsistence fish
30 and wildlife resources on the Federal lands in Alaska.
31 This experiment in grassroots participatory management
32 has been successful because it has been able to ensure,
33 quote, the continuation of the opportunity for
34 subsistence users by rural residents of Alaska, essential
35 to Native physical, economic, traditional and cultural
36 existence, and to non-Native physical, economic,
37 traditional and social existence, unquote.

38
39 As direct Federal management of
40 subsistence resources on Federal lands moves into its
41 15th year, we support the current examination of how
42 balanced representation on the Councils may be
43 maintained. The Southeast Regional Advisory Council will
44 continue to work closely with the Board to implement
45 ANILCA's protections for subsistence and to support the
46 sound management of the fish and wildlife resources upon
47 which subsistence users depend, and with respect to the
48 dependence of non-subsistence users on our shared
49 resources.

50

1 Mr. Chair, those are our talking points.
2 We've had them all before, and I expect to have that
3 letter to you formally on June 1st before the end of
4 close of business.

5
6 Mr. Chair.

7
8 CHAIRMAN DEMIENTIEFF: Thank you very
9 much, John. Let me just say that I appreciate the work
10 that your Council has done. I don't have any questions.
11 I've actually read the letter two times since you gave it
12 to me. Or the draft I should say. And listened to it
13 once. But I think.....

14
15 MR. LITTLEFIELD: But I think you'll want
16 to hear it again.

17
18 CHAIRMAN DEMIENTIEFF: Your points are
19 well taken, and I just compliment the Council for doing
20 their homework.

21
22 Is there any other Regional Council
23 comment. Grace.

24
25 MS. CROSS: From the very -- I'm Grace,
26 I'm the Chair of the Seward Peninsula Regional Advisory
27 Council, and I thank you for hearing me.

28
29 Our concern from the very beginning has
30 been very different from Southeast Alaska, and probably
31 the majority of the other regions. Our concern has been
32 the downgrading of our representation from our
33 communities.

34
35 The 70/30 split we don't object to,
36 meaning in terms of other users coming in, we didn't
37 object. What concerned us more than anything else was
38 that the representation in some of our communities
39 disappeared. In adding on non-subsistence users, what
40 weeded out was like in one of our -- in 22(E) we don't
41 have anybody that is voicing the concerns of Shishmaref
42 and Wales. We traditionally had somebody from there.
43 There's another reason, too, there was no applicants from
44 that region. However, we also ended up with more
45 representation from other parts of our hunting areas, our
46 subunits.

47
48 And in our region, what we traditionally
49 -- we'd used traditional hunting grounds as a way of
50 divvying up what little fish and game we have left over.

1 For example, we have Peter Buck who traditionally
2 represents a couple of communities. We have Elmer Seetot
3 who voices concerns of Brevig and Teller. I could go on,
4 but you kind of get the picture I hope.

5
6 So in getting the 70/30 split, our
7 community representation has been downgraded. For this
8 reason, we were really concerned from the very beginning
9 and started writing before anything was implemented to
10 have our RAC membership be put up to 13 members instead
11 of 10. Thirteen we would feel comfortable with, 10 is
12 what we had before, and we felt adequate with it in our
13 community representatives. Three others, I think it
14 would add color, you know, to our RAC in more than one
15 way. We could see different viewpoints.

16
17 Another area that concerned us is that in
18 the area we don't have very many sports and -- we don't
19 have very much sports fishing. We don't have where
20 sports hunter is going down. And where there's literally
21 no commercial fishing. There is no commercial fishing on
22 Federal lands to begin. We now have a commercial person
23 representing commercial fisheries. On what waters, we
24 don't know, because we don't have any Federal waters
25 where there's any commercial fishing, so we were -- we
26 thought it was kind of -- well, I'm not going to say what
27 we thought about it.

28
29 But it just didn't make any sense to do
30 something without further consultation at least with the
31 RACs as to more input on how if the 70/30 split is going
32 to go, there must be consultation from the regions, there
33 must be, on how it's going to be done, because each
34 region is different. Mine is very different from
35 Southeast Alaska. We don't have any Federal waters for
36 commercial fishing. We have very little fish and game.
37 The majority of our big game hunters, our big game
38 guides, are in Nome. We have very -- I think we've got a
39 rookery in Nome, and you can't even see the rookery on
40 the map, which belongs to the Federal Government. A
41 majority of our other users reside in Nome.

42
43 So in a sense what's going to happen if
44 this continues on without consultation from our region,
45 where our Federal lands and waters are, are going to be
46 -- the representation of those communities are going to
47 go down, and where we have the least Federal land is
48 where those three people are going to come out of.

49
50 So those are some of the concerns that --

1 our major concerns that we talk about in terms of how our
2 RAC composition is going to change. The RAC has never
3 been opposed to this. We felt it -- you know, there are
4 reasons perhaps. I don't think it's going to impact us
5 that much, however, it does impact us in terms of our
6 community representation going down. And Mr. Boyd is
7 well aware, we have written several letters to him asking
8 that he support our request, and we have made I think two
9 request, maybe three requests to have our RAC number be
10 increased to 13. Otherwise, we're just -- you know, this
11 is not going to work for us. As well as I can understand
12 in other parts of Alaska why it wouldn't work for them
13 for their own reasons.

14
15 But anyway I'm not going to take up your
16 time any more, but I thank you for listening to me.

17
18 CHAIRMAN DEMIENTIEFF: Thank you very
19 much. I just note that the Council charters are coming
20 up in -- the process will begin this fall before your RAC
21 meeting and will be done in January.

22
23 Also, the other thing that I will note is
24 that in the letter that was submitted by Southeast, there
25 was also concern presented about representation in there.
26 So I think your views were -- actually mirrored each
27 other, and I think it's really a concern of all of us.

28
29 Ralph, you look like you're threatening
30 to -- oh, did you have.....

31
32 MS. CROSS: One more comment. We're way
33 ahead of you. We already wrote a letter to Mr. Boyd and
34 told him that we're going to change our charter to
35 represent 13 and asked for his support.

36
37 Thank you.

38
39 CHAIRMAN DEMIENTIEFF: Right. I mean,
40 I'm just letting you know -- I mean, you probably already
41 looked into it, but that's when it will come up, and it
42 will be done in January -- I mean, the decision was be
43 done approximately January. Ralph.

44
45 MR. LOHSE: The recommendation of the
46 Board will go forward.

47
48 CHAIRMAN DEMIENTIEFF: Yeah, the
49 recommendation, actually recommendation to the Board will
50 go forward to the Secretary in January somewhere. Early

1 next year.

2

3

4 MR. LOHSE: I'd just like to thank John
5 and the Southeast Regional Council for putting in writing
6 a lot of the things that we've discussed in the past in
7 our Council as far as representation and things like that
8 is concerned. I think they did a very good job and they
9 brought up a lot of points, and I hope you take them very
10 seriously.

11

12

13 It's really hard, you know, when I
14 listened to the lady that was speaking, and I listen to
15 John that was speaking, and the thing is that I have to
16 remember is the idea behind this was, I won't say to
17 represent subsistence interests, but to stand up for
18 subsistence interests. And most of us wear a lot of
19 hats. Most of us that are involved in the Council don't
20 just do one thing, just like the people in Southeastern.
21 And so consequently, you know, the idea is that you bring
22 the information and the background from those different
23 things that you do, and an understanding of how people
24 and the needs of people in those things, but you bring
25 them in with the idea that what you're here to look at is
26 you're here to look at subsistence, and the idea that
27 ANILCA is for the subsistence use of rural Alaskans,
28 Native and non Native, and that that's the interest, not
29 that you represent, but that you're there to serve. And
30 you bring in the interests and the background that you
31 have not as representatives of it, but as part of your
32 background and character and part of the knowledge that
33 you have that you could apply to the problem at hand.

34

35

36 And I see -- the biggest danger that I
37 can see is when we get to the point where we start having
38 to have each one voted in by an interest group, and then
39 representing that group only and not looking at the issue
40 at hand from the basis of subsistence.

41

42

43 And now I'll be honest, I look at it from
44 the basis of subsistence, but I recognize the impact on
45 commercial fishing. I recognize the impact on sport
46 fishing. I recognize the impact on trapping, not just as
47 a subsistence user, but as a person who gets his cash
48 economy from those things. And I think that that's
49 always been the strength, and that's what John's talking
50 about from down there. That's always been the strength
51 of the Councils that we've had is they've brought people
52 together who have a wide background, and a wide knowledge
53 of interests and abilities, to work on an individual
54 problem. And I hope that we can manage to keep that kind

1 of attitude going in the future.

2

3

Thank you.

4

5

CHAIRMAN DEMIENTIEFF: Thank you. Craig.

6

7

MR. FLEENER: Thank you, Mr. Chair. I think Ralph and John did a fabulous job of saying a lot of what I wanted to say, but I can't stand to sit her and see a microphone in front of me and not use it, so I wanted to add a few comments.

12

13

The Safari Club has argued that we need to increase Board representation to include commercial, sport, urban residents, other non-subsistence users. I think this is just wrong. The entity that was created to manage use on Federal land is the Federal Subsistence Board, it's not the Federal Commercial Board, not the Federal Sport Board, not the Federal Urban Users Board. Non-subsistence users may and are, as has been pointed out, be affected by regulation changes that we propose. This is why they're all given equal opportunity to present their case at every Council meeting, at every Board meeting. They can submit proposals, and they can come up and be heard in every case. We've never denied that. We can't deny it.

27

28

Congress intended to provide rural residents that have a knowledge of local conditions and experience in their respective regions a priority. Section 810 of ANILCA accords subsistence users a priority when taking fish and wildlife on Federal land. The priority is not for commercial and sport uses.

34

35

If the Council composition is diluted with members who may be directly opposed with their commercial and sport interests, there may be a breakdown. This breakdown might be exacerbated by the usually more outgoing and often wealthy situations that they hold. As you very well know, there is no Subsistence Club International that's out there defending our viewpoints.

42

43

44

I also as many people have pointed out support diversity of views in the Councils. That diversity promotes strong, well thought out decisions. However, this diversity must come from within the subsistence community. ANILCA is for subsistence users. How can a purely commercial user truly represent subsistence uses of resources? How can they truly defend

1 Section 801.1, the continuation of opportunity for
2 subsistence uses? How can they support Section 803 which
3 defines subsistence uses as the customary and traditional
4 uses by rural residents? How can they support Section
5 804 which provides for subsistence take priority over all
6 other purposes?

7
8 Those who claim to be wholly commercial
9 or sport users in Alaska are probably pretty rare. I
10 personally -- within the Native community, non Native,
11 urban and rural, every single commercial and sport user I
12 know also tells me they're a subsistence user. As a
13 matter of fact, they're even considered indigenous people
14 by the new spring hunting waterfowl hunting regulations.

15
16
17 So the truly wholly pure commercial and
18 sport users who do exist have ample opportunity to have a
19 meaningful role in the process that we've got laid out
20 right here.

21
22 Thank you, Mr. Chair.

23
24 CHAIRMAN DEMIENTIEFF: Thank you. Any
25 questions? Well, let me just say this. I like the sound
26 of my own voice, too, that's why I talk so much. I'm
27 just joking. Anybody else. Ron.

28
29 MR. SAM: Thank you, Mr. Chair. Just
30 recently, maybe a couple of days before I came down here,
31 we tried to get a teleconference together, but we have a
32 microwave system between Alatna and Allakaket, so I was
33 out about 98 percent of the time from that
34 teleconference. It was just informal briefing for me or
35 just some information for me to bering down to this
36 discussion. But I missed most of it, and I can't make
37 too much heads or tails of the minutes.

38
39 Some of the key points that we wanted to
40 have discussed or moved forward is the question of can we
41 form a Council, or come up with a Council composition
42 made of -- based on the entire composition of the region.
43 Can we do that? That's one of the questions we want
44 answered and moved forward. Because it seems like the
45 few minutes that I was on there, that a few of our
46 Council members would favor that position, too.

47
48 As with everything else, you know, that
49 when you create the split, you have a rift. I mean, it's
50 there. And we don't -- we didn't have a quorum. We had

1 one commercial person on line, and he automatically voted
2 or wanted the composition to be 70/30, whereas the rest
3 of us wanted the composition to be 80/20. We're one of
4 the few that has 10 Council members, and if we go and
5 stay at 10, we'll have seven subsistence and three
6 commercial.

7
8 We do not have any road system. We do
9 not have any major hubs. We're pretty much entirely
10 subsistence, and I think all of our communities are
11 decreed as such.

12
13 And I totally agree with -- again, this
14 is my perspective. I totally agree with what Craig
15 Fleener said. We do not have Subsistence Unlimited out
16 there to fight for our issues. It has to be the Regional
17 Councils. And, again, I favor 80/20.

18
19 If I go any further, one of the reasons
20 that we didn't come up with any statement, because we
21 were trying to figure out what to do. We have three or
22 four current, maybe five now, current members that can
23 declare commercial. They all have commercial fisheries
24 license, and they could automatically declare commercial.

25
26
27 At our last meeting, we were the last
28 ones to meet, down at Huslia. We have to sign in and
29 declare what we were. That in itself created a rift I
30 think. It just didn't sit well. And now that we
31 declared, we're wondering now if we are locked into that
32 position as subsistence or commercial, which we did
33 declare. And I don't know whether that was just a
34 practice run, or what, but I hope it was a practice run,
35 because with three of our key Council members that I was
36 talking about earlier, they hold commercial interest, but
37 they are totally for -- they have been working totally or
38 subsistence use, because that is what we were created as
39 and decreed to provide for, subsistence activities and
40 subsistence harvest. Again, just to echo Craig, we're
41 the last ones to be cut or restricted in any kind of
42 harvest, the subsistence people. And right now I'm sure
43 some of our Counsel, the Western Interior Council members
44 are squirming in their seats as to what they declared,
45 and what they -- whether they want to stay on, because if
46 we go to 70/30, we'll have to lose one more subsistence
47 member, and I don't want to lose any more of those that
48 we've lost already. We're down to pretty much what we
49 need to have at this time, and this is the 80/20 split.
50

1 That's about all I can give you. A lot
2 of it is my personal views and a lot of it comes from the
3 teleconference that we had. Again, we had no quorum, and
4 there was no motions. It was just an informal
5 discussion, and I just want to state that for the record.

6
7 Thank you.

8
9 CHAIRMAN DEMIENTIEFF: Thank you, Ron.

10
11 MR. O'HARA: Mr. Chair.

12
13 CHAIRMAN DEMIENTIEFF: Yes.

14
15 MR. O'HARA: I have a question I ask Mr.
16 Boyd. Have you made all the appointments to the Councils
17 already for -- on this 30/70?

18
19 MR. BOYD: I think if the question -- Mr.
20 Chair, if I may, if the question is statewide have we
21 fulfilled all of the.....

22
23 MR. O'HARA: In other words, you
24 completed Bristol Bay's quorum already. Have you done
25 that for all the rest of the Councils?

26
27 MR. BOYD: I don't believe so.

28
29 MR. O'HARA: Okay. So you're still
30 working on it.

31
32 MR. BOYD: I mean, I don't have the
33 information in front of me, but my.....

34
35 MR. O'HARA: Well, maybe you can get it.

36
37 MR. BOYD:review of some of the
38 more recent -- Ann is signalling to me, but I'm not
39 exactly sure what's she's saying. Maybe -- well, let me
40 just answer the question. The answer is, no, we have
41 not.....

42
43 MR. O'HARA: Okay.

44
45 MR. BOYD:met the 70/30 for all
46 Councils.

47
48 MR. O'HARA: Thank you. Then I'll ask
49 the next -- the question is of the legal mind over here,
50 the department, and apparently Title VIII says that

1 there's other interests to be represented on the Council,
2 and so I'm a subsistence user. I chair the Board, or the
3 Council. And I'm a commercial fisherman. We have
4 another -- we have seven members, and a point I want to
5 ask the legal department is, if I'm a commercial
6 fishermen, is it necessary then to have two commercial
7 fishermen appointed to that board? Or there's four of
8 the people that are on the board are commercial
9 fishermen. Is it necessary to appoint one more on the
10 board? And how does that balance work? There's a guide
11 on our board, and so do we got to put another guide on
12 the board? Where does this read into the law, Mr. Goltz?

13
14 MR. GOLTZ: Mr. Chairman, first of all it
15 isn't Title VIII that we're talking about. It's FACA.
16 And I think everybody should be aware that our choices
17 are very limited here. We're operating a court order
18 that requires us to establish through regulation a
19 balance.

20
21 Prior to the entering of that court
22 order, we did make some early attempts toward balance,
23 and the blueprint for that was sort of a three-year phase
24 in. We were one year into that three-year plan when we
25 got an injunction, which in a way was kind of curious,
26 because on the one hand it said that we had to comply
27 with FACA, but on the other hand it said we couldn't
28 carry out our blueprint, because it hadn't been through
29 the public process. So that's where we are.

30
31 And we're in a state of tension over
32 that, which is one reason we're trying to get this done
33 as expeditiously as we can. So we've got two things
34 pushing us. We've got the practical aspects and we've
35 got a court order that says do it immediately.

36
37 As to how you parse this out for
38 individuals, I don't have a good answer for you. I think
39 that what FACA is pointing us toward is having some
40 disparate views at the Council meeting. I have
41 personally heard people say, well, I'm a guide, I'm a
42 commercial fisherman, I'm other things, but when I walk
43 into this room, by God, I'm a subsistence user, and
44 that's what I talk about. And I think FACA is saying,
45 no, we want to hear from the guide. We want to hear from
46 the other people who are affected by what you do. And it
47 is good that we hear from everybody, that we take their
48 views into account, but it's probably not sufficient
49 under FACA.

50

1 MR. O'HARA: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MR. O'HARA: I don't know if that's a
6 good answer of not. And I wouldn't necessarily agree
7 with you on that, because you've got four guys on the
8 Bristol Bay Council who are permit holders. These are
9 Bristol Bay fishermen. And you don't need one more yada
10 yada commercial fisherman to make anybody else happy.
11 And the Federal Board just I think starts running, and
12 one of these times you're going to hit the wall and stop.
13 And I think we ought to -- probably enough said on that
14 issue.

15

16 But I guess the main concern was the more
17 people you put on a board, the harder it is to get a
18 quorum. But I tell you what, the people you did put on
19 our board are exceptional people. I have no problem with
20 that whatsoever. They are good people, so thank you very
21 much. Come full circle, probably didn't make any sense.

22

23 MR. GOLTZ: I have no doubt that we're
24 going to get quorum.

25

26 CHAIRMAN DEMIENTIEFF: Anybody else.

27

28 MR. LITTLEFIELD: One question.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MR. LITTLEFIELD: This is a question for
33 counsel. Mr. Goltz, could you please clarify for the
34 record whether the court order mandated 70/30 or any
35 particular split?

36

37 MR. GOLTZ: This is the only venue I know
38 of where it's the attorney that's under cross
39 examination. No, the court did not order 70/30. The
40 70/30 came from a statutory provision, a temporary
41 statutory provision constructed by Ted Stevens. My own
42 reading of the order is that 70/30 would be compatible
43 with what the judge said, but the judge did not directly
44 say 70/30, no.

45

46 CHAIRMAN DEMIENTIEFF: Anybody else? We
47 will I think take a short break, and then we'll go on
48 with -- finish work on Proposal No. 1, and then we'll
49 jump back into Western Interior.

50

1 (Off record)

2

3

(On record)

4

5 CHAIRMAN DEMIENTIEFF: Okay. Find our
6 seats again, it would be helpful to us getting started
7 again. Okay. We're going to go ahead and call the
8 meeting back to order. And as I'd indicated, we're going
9 to go back and complete our work on Proposal 1 since
10 we've already engaged quite a bit.

11

12 I think in checking with Dan O'Hara, his
13 coordinator gave the Council's report. He did have a few
14 other brief comment. But the only thing is Dan don't do
15 anything brief, so don't expect -- he's too thorough in
16 his work.

17

18 MR. FLEENER: He's got nine pages
19 highlighted.

20

21 CHAIRMAN DEMIENTIEFF: Yeah.

22

23 MR. O'HARA: Are you ready, Mr. Chair?

24

25 CHAIRMAN DEMIENTIEFF: Yes, sir.

26

27 MR. O'HARA: Okay. I like what the
28 Eastern Interior says about supporting this proposal,
29 because they said that use the bear taken for subsistence
30 to its fullest extent. And then Bristol Bay goes on to
31 say, there isn't sufficient data available to show the
32 types of abuses that are occurring. So I guess that kind
33 of puts the Board into a little difficult situation,
34 because the data's not there to -- if the data's not
35 there, then you're going to be making a judgment call on
36 your emotions, and 90 percent of the time when you make a
37 decision on your emotions, you're wrong. So you know
38 you're kind of on the horns of dilemma there somewhere.
39 And if there is abuse, there's cops everywhere. I mean,
40 they go to Alaska Peninsula and Joe Pletch's camp will
41 have five cops come through, and all five hunters will
42 pull their license out, and they'll get their telephone
43 number and their social security number and their ID an
44 permit number and on and on and on. Nothing is hid. So
45 I don't think there's abuse at this point that I think
46 you ought to take into consideration. And then if it is,
47 then we need to go back and address it. We all kind of
48 have an idea in our region what we do legal or illegally.
49 And that's why have law. Thank you, Mr. Chairman. No
50 questions for the legal department today, so.....

1 (Laughter)

2
3 CHAIRMAN DEMIENTIEFF: Okay. Thank you.
4 Staff Committee.

5
6 MR. EASTLAND: Thank you, Mr. Chair. I'm
7 Warren Eastland with the BIA for the Interagency Staff
8 Committee.

9
10 Our recommendation is to oppose the
11 proposal. The recent action taken by the Alaska Board of
12 Game will provide starting on July the 1st of this year
13 regulatory change that will allow the sale of handicrafts
14 made from brown bear fur, as do existing National Park
15 Service regulations for brown bears that are taken on
16 National Park land.

17
18 Failure to adopt the proposed regulations
19 will not deny the requested opportunity to Federal
20 qualified subsistence users who wish to sell handicrafts
21 made from brown bear because State regulations will allow
22 for the sale of handicrafts made from the fur of a brown
23 bear harvested under State regulations.

24
25 The Federal threatened status of brown
26 and grizzly bears in the Lower 48 States will require
27 permits for the sale of brown bear parts, such as
28 handicrafts, that would be taken outside of the borders
29 of Alaska, and such a permitting process is not in place.
30 Accordingly, there is no enforcement framework to limit
31 the trade in brown bear handicrafts to those taken solely
32 in Alaska, and permitting such trade without the proper
33 permitting process would be contrary to wildlife
34 conservation principles.

35
36 We do recognize that in some locations it
37 is traditional for cultural regalia to be adorned with
38 brown bear fur and claws and for artisans to be paid for
39 the production of such regalia. State regulations will
40 permit such regalia to use both brown bear fur and the
41 claws, although the claws may not be sold, but the claws
42 must be provided by the person for whom the regalia are
43 intended. And there is nothing in either Federal or
44 State regulations that prohibits the transfer of brown
45 bear claws purely as gifts.

46
47 And that's the position of the
48 Interagency Staff Committee. Thank you, sir.

49
50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Department.

2

3 MR. HAYNES: Thank you, Mr. Chairman.
4 The Department recommends the Board not adopt this
5 proposal as recommended by the Interagency Staff
6 Committee.

7

8 I was prepared to not discuss one of our
9 major concerns. I was hoping that the clarification of
10 the Federal definition of fur, Mr. LaPlant referenced it
11 as referring to black bears only. If I look at the
12 Federal definition of skin, hide, pelt or fur, it talks
13 about -- it makes reference to bears generally. So if
14 the Federal definition of fur is taken to include both
15 black and brown bear such that the skin of a brown bear
16 does not include the claws, then that becomes one less
17 concern we have with this proposal. As long as the same
18 Federal definitions are consistent, we believe that this
19 eliminates one potential problem with the Federal
20 regulation.

21

22 At its March 2004 meeting in Fairbanks,
23 The Alaska Board of Game implemented a statewide
24 regulation that authorizes the sale of handicraft items
25 made from the fur of a brown bear. You have the same
26 proposal before you today. And the main difference would
27 be again if this definition of fur is not consistent. At
28 the same time, because of the uncertainties surrounding
29 just how this regulation will play out in practice, as
30 you've also heard earlier today, there may be a challenge
31 to the regulation, we would recommend at this time that
32 the Federal board not adopt the proposal or similar
33 proposals so that the State regulation can be more
34 comprehensively evaluated for the possible effects it
35 will have on subsistence uses and subsistence users and
36 on wildlife in different areas of the State.

37

38 As has been previously pointed out, the
39 existing State regulations as well as National Park
40 Service regulations are available to all Federally-
41 qualified subsistence users. They would not be affected
42 by the absence of a Federal regulation. All Federally-
43 qualified subsistence users as near as I can tell would
44 have the opportunity to use brown bear hide skins to make
45 handicraft items and sell handicraft items under State
46 regulation or under the Park Service Regulations. So we
47 don't believe opportunity would be lost for Federally-
48 qualified users if the Federal Board chooses not to adopt
49 this proposal at this time.

50

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. And
4 then -- yeah, hang on a second. I forgot to note that
5 Gloria is on the RAC and is sitting here as Ralph's
6 designee. So I just wanted to point that out, so she is
7 representing the RAC there. Okay. Dan.

8

9 MR. LAPLANT: Yes, Mr. Chairman, I just
10 wanted to respond to Mr. Haynes' comment and clarify what
11 I said earlier regarding the claws regulation and the
12 definition of fur. As I said earlier, what we were doing
13 is changing the definition of fur in the Federal
14 regulation so that it's consistent with what the intent
15 of the Board was in 2002. And I said it in the context
16 of black bear, because that's the regulation that's
17 currently in effect, as to the way the Board -- what the
18 Board addressed in 2002. What the language in the
19 definition will be fur, not specific to any species.

20

21 Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Thank you.

24

25 MS. GOTTLIEB: Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: John -- oh, I'm
28 sorry.

29

30 MS. GOTTLIEB: I'm sorry.

31

32 CHAIRMAN DEMIENTIEFF: John, go ahead.

33

34 MR. LITTLEFIELD: Thank you, Mr. Chair.
35 I've been taking notes on all of these people that have
36 testified, and I'd like to thank first Mr. Fleener for
37 covering almost everything I had, but I did have some
38 comments I wanted to make on the Interagency Staff
39 Committee, and some of their language.

40

41 In the middle of their justification on
42 Page 19, it says a decision to oppose the action on this
43 proposal will be consistent with the recommendations of
44 the Advisory Council who stated cultural objections. And
45 as Mr. Fleener earlier talked about, we're not here to
46 address cultural objections. That's not okay.

47

48 And then the other thing was he mentions
49 in the Interagency Staff Committee the permit. Well, the
50 CITIS permit only requires -- as far as I know, only

1 applies to the interstate shipment or to Federal -- or to
2 foreign countries. If I was to ship a sea otter to
3 Canada, I would have to have a CITIS permit, but that
4 doesn't mean if I wanted to take a sea otter, I don't
5 have to have one of those, unless we're in interstate or
6 in between countries. So I just wanted to clarify that.
7 So that should not be used as any kind of a justification
8 for not approving this, because any of the trade within
9 Alaska would not require one of those.

10
11 Some other notes that I took down is,
12 first off, our job here, all of us, is to provide and
13 protect for the subsistence opportunity. We do not have
14 the job to protect for culture reasons, although I
15 certainly recognize those cultural reasons. I'll talk
16 about those in a minute.

17
18 It -- our job is also not to make -- take
19 the sake of the bears in mind, as was mentioned by a
20 previous speaker. That's not our job. We don't take the
21 sake of a deer or a moose in mind. We're providing an
22 opportunity for people to take them, but we're not to be
23 concerned with how the bears are doing. That's not our
24 job.

25
26 And most importantly, we're not here to
27 mirror any kind of State regulations. It's been brought
28 up a couple times that we want to mirror State
29 regulations, and fur is a different definition and stuff
30 like that, but that again is not our job, to provide
31 opportunity.

32
33 And we're also not here, as Mr. Fleener
34 said, to make it easy on enforcement agents. That's a
35 separate issue. Totally separate issue. And if they
36 can't enforce something, that's something they have to
37 address. And if the claws and the gall bladder are a
38 problem enforcement issue, then that's separate from
39 providing the opportunity for the person to use all of
40 the bear for the uses of handicrafts.

41
42 And lastly Mr. LaPlant for Staff
43 mentioned that he was going to change the regs for the
44 definition of fur. Well, I find that a little uneasy to
45 swallow, because we're a Regional Advisory Council, and
46 those regulations are published regulations. I -- and
47 for somebody to say we were thinking about this
48 differently then, and so we're going to change the regs.
49 The regs are published. There's a procedure to take care
50 of this. Similar to the 70/30 law we should go ahead and

1 go through the process to do this correctly, notice it
2 and allow the Regional Advisory Councils to comment on
3 whether the inclusion or exclusion of claws of brown bear
4 is the definition of fur. So I would like to make sure
5 that that works through the correct administrative
6 procedures.

7
8 And lastly, we had, as was mentioned
9 earlier, there were five Councils, Regional Councils who
10 either supported this or said they were going to
11 institute similar regulations on a regional basis. So my
12 recommendation, Mr. Chair, is to take into account --
13 this is kind of a win/win I'm hoping. Take into account
14 those who had objections, Regional Councils who had
15 objections, and my recommendation would be to move to
16 adopt the language on Page 15, which is what I think you
17 should be doing on all of these, but if you move to adopt
18 that language on the top of there, and if you would apply
19 that to Units 1 through 5, and I'll let other regions
20 speak for themselves, if you will apply that to Units 1
21 through 5 only, then you will have addressed the
22 Southeast Alaska, you would have complied with our
23 request, as well as all others who don't want to be
24 included. If they don't want to be included, those units
25 can opt out. That way your motion makes all of us happy.
26 You only apply these regulations, and which we are
27 completely willing to accept as a regional regulation by
28 including the Units 1 through 5. If the other Councils
29 want to -- the Eastern Interior wants to get on there and
30 add their units, then this regulation also applies to
31 those units. And those that do not want to apply can say
32 they don't want to included, and you've supported all of
33 the Regional Advisory Council recommendations.

34
35 And that's all I have, Mr. Chair. Thank
36 you.

37
38 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

39
40 MS. GOTTLIEB: Mr. Chair, I had a
41 question about claws. So the way I'm understanding it,
42 this proposed regulation, this proposal, includes claws.
43 Is that right, Dan?

44
45 MR. LAPLANT: Mr. Chairman, Ms. Gottlieb,
46 no, the proposal does not address claws. It asks for the
47 sale of brown bear fur. And that takes us to what is the
48 definition of fur. And as I stated earlier, under the
49 State regulations they don't define fur. Under Federal
50 regulations we have fur in the definition of hide and

1 skin. We say skin, hide and fur, and then we say claws
2 are -- which includes claws attached. So we define fur
3 in Federal regulations to include claws. State
4 regulations are silent on whether claws are included,
5 because they don't define fur. I don't know if I made
6 myself clear there.

7
8 MS. GOTTLIEB: Okay. So what we're
9 talking about does include claws. The regulation that
10 the Board of Game passed does not.

11
12 MR. LAPLANT: The regulation that the
13 Board of Game passed does not include claws, and the
14 proposal doesn't specifically ask for claws. If you read
15 the current Federal regulations, claws are included in
16 the definition of fur, so that by default you could
17 assume that if they were asking for fur, the current
18 definition of Federal regulations includes claws, then
19 they were asking for claws.

20
21 If we go back and review the transcripts
22 from the 2002 Board meeting where the Board passed the
23 black bear regulation, they stated their intent was to
24 mirror the State regulation, but we failed to make the
25 adjustment in the definition of fur at that time. We
26 didn't mirror the def -- the regulations of the State as
27 the Board had asked us to, so that's why we have that
28 difference now.

29
30 MS. GOTTLIEB: Okay. I mean, because my
31 understanding would be amongst other things, claws would
32 be important in terms of handicraft, at least in terms of
33 some of the ones that we've seen that people are using
34 for personal use. And I guess just the history of the
35 regulation within Park Lands is -- I think the
36 regulations is probably about 20 years old, and I'm not
37 aware of any abuses or major abuses.

38
39 CHAIRMAN DEMIENTIEFF: Grace.

40
41 MS. CROSS: I couldn't let this pass by.
42 Thank you for letting me talk.

43
44 On cultural objections, that one of our
45 reasons, our main reason was cultural objection. I know
46 that perhaps it should not be given much weight, but it
47 is very much of our culture up there that subsistence
48 comes with culture. There were objections to this
49 because it's part of some of our people's culture. And I
50 think that's all the more reason why this should be taken

1 on a regional basis. And I'm glad that the Federal
2 Subsistence Program recognizes there are cultural
3 differences out there, that we do take culture very
4 seriously, that subsistence is tied in very, very closely
5 in rural Alaska, at least in my part of the world with
6 cultural things, so I would encourage that if you're
7 going to do anything, that those that do not object to
8 this would be -- this would be taken on a regional basis
9 only, and perhaps like John said, make a decision now on
10 those regions that would like to have it, complete it
11 now, so that it would be done. Our region is not
12 objecting to this because we don't want it. We're just
13 saying that it should be taken on regional basis.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Yeah, I agree with
18 your argument, but, you know, even though we don't have a
19 motion, I support the proposal personally, but only want
20 it initiated in the three regions that have asked for it.
21 That leaves the other seven if they ever decide to, it
22 would be there. But it would not be active in those
23 regions. That's kind of the way I think at least from my
24 perspective for discussion purposes that it should go.
25 It's authorized, we've got the three regions that want it
26 get it, and the other seven remain closed, but can come
27 back with a proposal if they ever decide that they want
28 to do it. So that just kind -- that's just my personal
29 feelings on it. We don't have a motion in front of us
30 but I'm kind of thinking -- I'm trying to think my way
31 through this thing, and I do respect the three Regional
32 Councils that have said that they want it, but I also
33 respect the other seven that say they don't. But to get
34 some kind of regulation on the book and authorize those
35 three areas, fine. And the other people will still have
36 the option at some time if they choose to, but that
37 doesn't mean it's in effect in their region.

38

39 MR. EDWARDS: Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MR. EDWARDS: I don't know, it seems to
44 me that there is some confusion as to what you can and
45 can't currently now do. I notice in looking at the
46 Southeast's comments, they express concerns about being
47 able to refurbish or fabricate ceremonial items that were
48 used, and expressed some concerns about could you pay an
49 artist to take bear claws, for example, and make a
50 ceremonial necklace out of them. And the answer to my

1 understand is currently you can do that. It would be no
2 different than if I shot a duck and wanted to have a
3 taxidermist mount it, I can certainly pay for that. So
4 there's no prohibition. Currently this can be done. So
5 I don't see a whole lot of, you know, comments were the
6 concerns they can't currently even be addressed with or
7 without the State's law, because the law allows you to
8 use for personal use as well as barter or give of parts
9 of wildlife now taken under subsistence.

10

11 It seems to me that that's really what's
12 facing us is maybe the more fundamental question, was
13 there a traditional use of making handicraft out of bear
14 parts and then selling them, and I haven't heard one word
15 today which indicated that there has been such historical
16 use, and isn't that kind of the fundamental question that
17 we should be addressing?

18

19 CHAIRMAN DEMIENTIEFF: John.

20

21 MR. LITTLEFIELD: Mr. Chair, I'd like to
22 respond to that for the Southeast Regional Advisory
23 Council. As Mr. Kitka, who is what they call a big man
24 in his particular clan, stated, it is the tradition of
25 the Tlingit people to have someone of the opposite moiety
26 make something for you and then you would pay them for
27 that. You don't have your own clansman make that for
28 you. And it's completely -- that's the way it was in the
29 past, that's the way it is today. You commission someone
30 of the opposite moiety to make something for you, not
31 necessarily bear claws, but any piece of regalia, and
32 then you compensate those people for that. It's a paid
33 position. So that's ongoing and it also has been past
34 practice.

35

36 MR. EDWARDS: My only comment was, is
37 that you can currently do that now without this
38 regulation or without the State regulation. There's
39 nothing to prohibit that. Unless I'm wrong. Because the
40 law is very clear that subsistence parts can be made into
41 handicraft, and they can be bartered, they can be used
42 for personal use, and they can be given as gifts.

43

44 MR. LITTLEFIELD: As I mentioned earlier,
45 I don't feel that we have to mirror State regs. This is
46 talking about Federal bear in which there may or may not
47 be differing regulations, and we want to utilize that
48 whole bear. So there are differing. And if they happen
49 to match, that's good.

50

1 MR. EDWARDS: My point is I think ANILCA
2 clearly provides the use of handicraft that can be
3 bartered, traded or used for personal use. So currently
4 ANILCA allows the example that you provided.
5

6 MR. FLEENER: Thank you. I think your
7 example is right if you provide all the material
8 yourself. If you don't have that material, then it
9 doesn't work that way. So if you're going to have some
10 regalia made for you by someone else, and you're not
11 providing the raw material for that, then you're in fact
12 buying those claws from him. You're in fact buying that
13 handicraft fur from him. You're buying whatever parts
14 are being used, and so that then makes it a commercial
15 activity I assume. And what you're saying is that that's
16 already in ANILCA to allow us to do that, then what are
17 we talking about?
18

19 MR. EDWARDS: No, my point is what you
20 just suggested, I don't think this regulation would allow
21 it either. It would only allow it if -- because all you
22 can sell is handicraft parts. You couldn't sell
23 handicraft parts to an artist who then takes and breaks
24 those down and turns around and resells it.
25

26 MR. FLEENER: That's why we've -- I think
27 that's why this proposal is here, so you can have someone
28 make something. I mean, that's just one example of
29 something that can be done with it.
30

31 CHAIRMAN DEMIENTIEFF: John.
32

33 MR. LITTLEFIELD: Thank you, Mr. Chair.
34 Go back to Page 15 again, and let's look at -- of course,
35 the motion is at the top, but below that is the proposed
36 regulation. And the Federal regulations, what we're
37 talking about, not State or anything else like that,
38 says, you may sell handicraft articles made from the fur
39 of a black bear. That's the existing regulation, which
40 under the existing regulation, fur includes claws. The
41 proponent asked to have the word and grizzly bears, brown
42 bears put in there, added to the regulation. That's all
43 they ask for. And we support that so that the law is
44 clear that we can use brown bear claws as well as black
45 bear claws. The whole bear for handicraft articles,
46 notwithstanding whatever the State regulations say. But
47 we're talking about Federal regulations here, so I hope
48 that makes it clear that -- you'll see what the proponent
49 asks for, and that's what we're supporting, was to add
50 the brown bears.

1 CHAIRMAN DEMIENTIEFF: I mean, that's the
2 way it's done at home, too, that people make things for
3 use in, you know, potlatches and those kinds of things,
4 and give those things away. But there are very many
5 Native people who, one, don't have the skills, and they
6 don't have the time to go and harvest the resource, but
7 they do want to wear, you know, their traditional
8 clothes. And they're sold all the time. I mean, from
9 the materials up. I don't care if it's a marten hat, you
10 know. I'll get it from -- buy the skin from a trapper, and
11 get -- you know, hire somebody to make the hat. And
12 that's not a -- you know, that's just somebody who wants
13 something. And they get paid for it. But, like I said,
14 the other part about it, which I think -- I don't know,
15 and I'm going to ask Keith to refer, but for a real
16 subsistence use, which would be like taking a brown bear
17 claws and stuff, and giving them out at a potlatch. To
18 me that's a totally different thing, but it does happen,
19 you know, on a limited commercial basis. So I'm just
20 going to ask him to clarify that, and then I'll get to
21 you. John -- I mean Keith.

22

23 MR. GOLTZ: I'm not sure I caught the
24 question.

25

26 MR. BERG: Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: Well, we were
29 talking about the legal authority issue that Gary was
30 raising, whether or not that -- the things that they're
31 asking for in this proposal can be done under existing
32 regulation.

33

34 MR. GOLTZ: I think they're asking to go
35 an additional step. I was involved in a conversation I'm
36 afraid, but what I heard Gary say was that you harvest
37 the resource and give it to an artisan to craft for you.
38 That's a different thing than buying on a commercial
39 basis the fur and then giving to an artisan to craft.

40

41 CHAIRMAN DEMIENTIEFF: John.

42

43 MS. GOTTLIEB: Mr. Chair. I'm sorry.

44

45 CHAIRMAN DEMIENTIEFF: I think John was
46 going to go first.

47

48 MR. LITTLEFIELD: Mr. Chair. I would
49 refer you and the Board to Page 19 of the Interagency
50 Staff Committee recommendations, second to the last line,

1 last paragraph. It says State regulations will permit
2 such handicrafts to use both brown bear fur and claws,
3 but the claws must be provided by the person for whom the
4 regalia was intended. We're addressing that with this
5 regulation. That's not necessarily so if we approve this
6 regulation and that's what Mr. Fleener talked about.
7 This clears up and it makes it legal for Mr. Kitka who is
8 a big man to commission a set of bear ears for a
9 potlatch, and he's -- and that's one of their clan
10 emblems, so that's what this Federal regulation clears
11 up, Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

14

15 MS. GOTTLIEB: Mr. Chair, for Gary, you
16 know, ANILCA allows lots of things, but we've also
17 regulated many things which have created some
18 restrictions, and so I think this is part of trying to
19 clarify and provide for this opportunity.

20

21 MR. EDWARDS: But isn't there still an
22 issue with regards to the historical sale of handicraft
23 made from brown bear parts? And again, I didn't hear
24 anything today which indicated there is historical
25 evidence that brown bear parts were sold as handicraft.

26

27 MS. GOTTLIEB: Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Judy.

30

31 MS. GOTTLIEB: The way I understand it,
32 and it won't exactly address your problem, your question,
33 if a person legally takes a bear, and it has to be for
34 personal and family consumption and use, and if they meet
35 all the salvage requirements, they can make and sell
36 handicrafts as defined by this proposed regulation. So
37 it's kind of a multi-step process, but it can result in
38 many purposes. But those have to go back to that it's a
39 legally taken animal for personal family consumption.

40

41 MR. EDWARDS: But my question was is
42 there historical evidence that it had been in the past
43 handicraft from brown bears being sold.

44

45 MR. LITTLEFIELD: Yes.

46

47 CHAIRMAN DEMIENTIEFF: Go ahead, do you
48 want to respond?

49

50 MR. LITTLEFIELD: Mr. Chair. I believe I

1 answered that question in the affirmative, and I stand
2 behind that. And I believe we could ask Mr. Kit -- we
3 don't have to, we can look in any number of books and
4 they will document that that is a traditional practice
5 for opposite clansmen to make the things that you give
6 away at a party, similar to what Mr. Chair did. That's
7 long-term history, and can be verified. I mean, if you
8 don't want my word for it, I can find somebody else to do
9 that.

10

11 MR. EDWARDS: No, I believe that, but you
12 always could exchange parts as well as barter parts. The
13 issue is the historically of selling parts.

14

15 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry, Dan
16 first and then Craig.

17

18 MR. O'HARA: Well, you know, I don't know
19 if that's a good question or not, Gary, because, I mean
20 that's one level to ask a question now. We can come back
21 in a year and probably dig up the information if you want
22 it, and I'll bet you it's there, because I see a lot of
23 people wearing bear claw necklaces, and I'll bet you they
24 paid a lot of money for it. So I'm sure, just like C&T
25 findings, we can go find out. I think that's important.

26

27 CHAIRMAN DEMIENTIEFF: Craig.

28

29 MR. FLEENER: Thank you, Mr. Chair. I
30 guess to relieve his question a little bit, yes, we have
31 a practice of, one good example is bear claw necklaces.
32 That was one I was going to point out where they're
33 bought by people within at least where I live in the
34 Eastern Interior.

35

36 In addition to that, a common practice up
37 until real recently was to sell bear meat for dog food.
38 It was -- bears were abundant as they are now, and people
39 harvested lots of bears and fed them to their dogs. And
40 so that was another use of bears, and they were sold. So
41 there's two examples there. Now that, the bear meat for
42 dog food isn't a handcrafted item, but it is an example
43 of how bear meat was used in the old days, especially
44 with I think the -- oh, what do you call those people?
45 They used to bring in the mail on toboggans. I think
46 they used a lot of bear meat for dog food as well.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Yes, Dan.

1 MR. LAPLANT: Yeah, Mr. Chairman. I'd
2 just like to point out in the analysis on Page 22, it
3 does state that the purchase and sale of hides and parts
4 from -- was generally legal up until Statehood. In 1961
5 it was prohibited by the State, so it was legal prior to
6 1961. I have no information on the amount of activity
7 that resulted in, but it was legal.

8
9 CHAIRMAN DEMIENTIEFF: Yeah, when they're
10 -- another example on another species, but I mean these
11 things did happen. In addition to the mail carriers
12 buying bear meat, you know, even moose meat was -- I
13 think they were getting like 20 cents a pound when the
14 railroad was coming through Nenana. That was their meat
15 source. I mean, so those -- there is history of those
16 kind of things happening, and you'd be hard pressed to
17 call it barter, you know, so I just.....

18
19 MR. LITTLEFIELD: Customary trade.

20
21 CHAIRMAN DEMIENTIEFF: Customary trade,
22 yeah. But those things did happen on a very large scale
23 over a wide variety of the resources. Taylor.

24
25 MR. BRELSFORD: Mr. Chairman, if I may,
26 on behalf of Henri Bisson, the director for the BLM who
27 was obliged to go to another meeting this afternoon, I'd
28 like to focus on a couple of other issues. I think we've
29 spoke about a couple of regions' specific practices, but
30 I guess I'd like to say that I do believe the cultural
31 objections of certain regions are relevant. I believe
32 the charge of the Federal Subsistence Board is to provide
33 for the subsistence practices, and where those practices
34 are culturally unique in particular regions, I believe it
35 serves us all to take those into account. So I believe
36 where Councils have said, this does not constitute a
37 subsistence practice in our view, I believe that ought to
38 be a weighty proposition for us.

39
40 Secondly, I heard the proposition offered
41 that we ought not to be concerned about bear populations,
42 and I really have to say I don't think that's a
43 reasonable position. I believe ANILCA clearly imposes a
44 conservation mandate on the Board and on the Regional
45 Councils, and that is framed broadly in terms of
46 conserving healthy populations, providing for non-
47 wasteful subsistence uses. So I think the conservation
48 issue does have to be on the table in our eyes.

49
50 Thirdly, I heard it suggested that law

1 enforcement is not a legitimate consideration in this.
2 And again I would have to say I think our reasoning
3 process does in fact have to take into account the law
4 enforcement context. In my view, that represents one
5 component of the, quote, recognized principles of fish
6 and wildlife conservation.

7
8 So in my mind, the issue before the Board
9 is really a balancing act. There are historic episodes
10 of market driven overharvest through the
11 commercialization of subsistence resources. The market
12 hunting in the Nenana area and the impact, the role that
13 that played in the establishment of Denali National Park
14 would be one example. There are international examples
15 where key subsistence resources were commercialized
16 without meaningful regulatory regimes, and those
17 resources were driven into extirpation in some cases. So
18 I think we ought to put all of the elements on the table
19 and think about the balancing act. We want to provide
20 for the legitimate subsistence uses in regions, and we
21 want to listen and learn from Councils about what those
22 uses are. At the same time, I think we do want to take
23 into account what law enforcement tells us about market
24 pressures and so on.

25
26 So at the end of the day, I'm sort of
27 sitting here thinking about are subregional or region
28 specific solutions possible, and are they sound, and I
29 wonder if any of the agencies' law enforcement people are
30 here today to add some light on the question of whether a
31 regulation in three regions, Eastern Interior, Bristol
32 Bay, Southeast, could go forward and be effectively
33 implemented and appropriate protections, conservation
34 protections be implemented with region-specific
35 regulations. So, Gary, I don't know if you've got Staff
36 available that might be able to address the question.

37
38 MR. EDWARDS: Well, we don't have any.
39 We could certainly get them over here quickly, but I do
40 think they would say that that in itself would be
41 problematic, and then if you further complicate that of
42 having it different from the State regulations, which one
43 could keep theclaws and one couldn't, that would just
44 add another significant layer on top of that it would
45 seem to me. And I feel fairly comfortable that that's
46 the answer they would give, but we can certainly have
47 some folks over here probably within a half hour to
48 address the question.

49
50 CHAIRMAN DEMIENTIEFF: Craig.

1 MR. FLEENER: Thank you, Mr. Chair. I
2 personally don't think we need to bring the law
3 enforcement guys over. I can give you an example -- I
4 mean, I can tell you what they're going to say. They're
5 going to say the same thing they've said with pretty much
6 every proposal dealing with this issue or with
7 liberalizing the harvest and sale of bear parts. They're
8 opposed to it, because it's difficult to enforce.

9
10 Now, when I was talking and when others
11 have talked about not considering law enforcement, it's
12 not that you exclude law enforcement. That's just not
13 supposed to be the primary focus. And every time that
14 we've brought up bear proposals, one of the primary
15 reasons that we don't -- that the Subsistence Board
16 doesn't support it, hasn't supported it, the same with
17 the Board of Game, they haven't supported it because they
18 say it's not enforceable. It's not enforceable? They
19 haven't tried to enforce it. If it was legal in the
20 State up until 1961, apparently they were -- they had
21 some mechanism in place before then.

22
23 Even with that in mind, our law
24 enforcement abilities with regards to wildlife harvesting
25 probably are far superior now than they were ever in the
26 past. If we have a problem -- we didn't have boards and
27 committees like we've got now. We didn't have people
28 from every region in the State that sit on these
29 committees who tell people when there's a problem. And
30 we're perfectly situated when we see a resource crisis to
31 come before you and say, hey, we've harvested too many
32 bears because of this. Let's cut back. We've talked
33 about numerous proposals today where people are concerned
34 about wildlife population fluctuations or numbers going
35 down. This is the proper place to handle it. We
36 shouldn't sit here and be nay-sayers because we're afraid
37 that something really bad is going to happen when we
38 don't necessarily know. And it really bothers me to talk
39 about the exact same thing year after year after year,
40 oh, we can't do it, because the enforcement guys are
41 afraid. I don't like that. I think if it can be agreed
42 that it's a half-decent decision, then we don't want to
43 do anything that's going to make it real hard on them,
44 but we certainly shouldn't exclude something just because
45 they say, gee, we can't enforce that. And that's my
46 point with the law enforcement issue. We've got to have
47 respect for those guys. They have a hard job to do. I
48 understand that. But we shouldn't just eliminate some
49 possibilities that are clearly supposed to be made
50 possible in ANILCA. I think that's kind of bad.

1 With the cultural sensitivity issue, you
2 know, I talked about my problems with the Staff Committee
3 using cultural sensitivity to support one Regional
4 Council against another, and I appreciate what Grace had
5 to say and what all the Regional Councils have to say
6 about cultural sensitivity to these issues. We're also
7 culturally sensitive on numerous issues. We have people
8 within our region that are culturally sensitive to this.
9 And we had a lot of discussion regarding the sensitivity
10 to harvesting bears, and what the discussion ended up
11 being was in areas where they're culturally sensitive,
12 they won't participate in this. In areas where it's not
13 so sensitive, they will participate, even within the same
14 region. We can do that. And if they're sensitive to it,
15 they don't have to participate in it. It's like catch
16 and release fishing as I pointed out earlier. I don't
17 participate in that because I don't think I should be
18 playing with the food. And so I don't do that. It
19 bothers me, it bothers my parents, it bothers my
20 grandmother, so I'm not going to do. And it probably
21 bothers the fish even most of all.

22
23 So I think -- the reason I wanted to talk
24 about the cultural sensitivity issue was that I didn't
25 want anybody to think that I don't care about the
26 sensitivities of our neighboring communities or our
27 neighboring regions. I do. And I respect those with all
28 of my being. It's just a matter of we have some things
29 that we want to do, and we're asking for some respect as
30 well. Respect what we want to do. We do respect your
31 cultural sensitivities. My issue was that the Federal
32 Subsistence Board and the Staff Committee should not say
33 we support the cultural sensitivity of one Regional
34 Council over the cultural sensitivity or lack thereof
35 from another Council. And that was all I was saying on
36 that issue.

37
38 We also agree, we need to be concerned
39 about population, and these are just basically answering
40 Taylor's statements. Of course we don't want to ignore
41 the populations. I mean, we'd be foolish to do that.
42 We're here to protect subsistence opportunity, and if
43 we're not taking care of the populations of wildlife out
44 there, then we're not going to be having these animals in
45 the future to talk about. And anytime we have a problem,
46 we're going to bring it back. If we don't bring it back,
47 one of these guys over here that manage all these
48 millions of acres in Alaska are going to bring it back.
49 And they're going to say, hey, we've got a problem, we
50 need to cut back. That's what we're here for, and I

1 think we can do it.

2

3

Thank you, Mr. Chair.

4

5

CHAIRMAN DEMIENTIEFF: John.

6

7

MR. LITTLEFIELD: I, too, need to respond to Taylor's comments. First, I thought I made it clear that we -- what I wished you to do was to exclude those reasons who had cultural objections. ANILCA clearly says that Native cultural existence is to be -- is part of ANILCA. It says that. Cultural existence. And if those Regional Advisory Councils say they don't want to be included, I support that, and I think that's what I said. I don't think I said anything different, other than that you add Units 1 through 5. I did not talk about the Eastern Interior. They can do that themselves, or Bristol Bay. I talked only about the Southeast Units.

19

20

We specifically addressed the conservation issue. In Southeast Alaska you can only take one bear every four years legally. Anything else is illegal. If you're taking one bear every year, that's illegal. That's an enforcement issue, and it can be enforced. But you should not just say -- I agree with Mr. Fleener. I've seen these at just about every Board meeting that I attend, National Marine Fisheries, whatever. You always hear this, the sky is falling, you guys are going to go out and harvest, well, we'll use the National Marine Fisheries, 20 halibut on 30 hooks. Now, we all know that that's the all-time record. Never been matched. Catch per unit effort in all history, it can't be done. Okay. And to suppose that we're going to do that is wrong.

35

36

If there is a problem, as he stated, the land managers will be on this very fast. And so these things that, oh, golly, we're going to break the law and all these things will be violated are before the fact.

40

41

And I think that you could institute this for Units 1 through 5. As we said, there's no conservation concerns. This is a benefit to the subsistence users in Southeast. It has negligible affect on the other use, non-subsistence users, and we have plenty of data to show that there's a whole bunch of bears down there, and that this is not going to be a conservation concern.

49

50

So I didn't want any misconceptions to

1 exist on Mr. Brelsford's comments. We agree with him,
2 conservation and all.

3

4

MS. GOTTLIEB: Mr. Chair.

5

6

CHAIRMAN DEMIENTIEFF: Judy.

7

8

MS. GOTTLIEB: I would hope and assume
9 this Board would never impose something that's against
10 the cultural beliefs of our regions. And with that, I
11 would put a motion forward that we support the Southeast,
12 Bristol Bay and Eastern Interior Counsels'
13 recommendations to apply this proposal in their regions
14 only.

15

16

CHAIRMAN DEMIENTIEFF: There's a motion.
17 Is there a second.

18

19

MR. KESSLER: Second.

20

21

CHAIRMAN DEMIENTIEFF: Yeah, as I said
22 earlier, I really do support that motion. We don't want
23 to impose on other regions that don't want it, and we
24 will not. And I think your language is very explicit in
25 terms of that. But there are three regions that do want
26 it. And so the other seven will not have it in their
27 areas, and that's the intent of the motion, is that
28 correct, Judy?

29

30

MS. GOTTLIEB: Absolutely.

31

32

CHAIRMAN DEMIENTIEFF: Uh-huh.

33

34

MS. GOTTLIEB: And should other regions
35 wish to pursue it, they will.

36

37

CHAIRMAN DEMIENTIEFF: Yeah, that will
38 come on their own. But also it gives us a look. So
39 we're not changing the -- it's not carte blanche to get
40 out there and shoot, you know, bears, and overharvest
41 bears. It's just allowing full utilization of the
42 resources, which is fine in my estimation. So I will
43 vote for the motion for those reasons.

44

45

MR. EDWARDS: Mr. Chairman, does that
46 include claws or does not include claws?

47

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CHAIRMAN DEMIENTIEFF: Well, only free-
49 ranging claws.

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(Laughter)

CHAIRMAN DEMIENTIEFF: Yeah, you'd -- yeah, I think it does. Is that the intent of the.....

MS. GOTTLIEB: As far as I understand, that is the Federal definition so it does include claws.

CHAIRMAN DEMIENTIEFF: Yeah. Okay. Terry, go ahead. I'm sorry.

MR. HAYNES: Mr. Chairman, I'm really confused now, because we have a major concern about the definition including claws. It was my understanding that there's been a re-interpretation of the intent of the existing Federal definition. I believe this needs some clarification, because there's a potential, as Mr. Edwards' has pointed out. We have different definitions of what constitutes brown bear fur in State and Federal regulations, and then we only have the Federal regulations apply to certain areas of the State. There is a potential for problems. And because claws are a very valuable item, I'm told they can sell for a substantial amount of money despite the fact that they're being fabricated out of plastic these days. I think we would feel much better if we understood just what the scope of this Federal regulation is going to be, if it's adopted, and if it includes claws then was Mr. LaPlant's interpretation of previous Federal Board action incorrect, or are you intending to change the Federal definition in this case?

MR. EDWARDS: Mr. Chairman, my understanding is if we went back and looked at the original language and the original intent when we passed the one with black bears, it seems to me that clearly the intent was not to include claws. We did. I guess I would argue that there was an administrative error made at that time, and that was really not the intent, and that the language that took place during those motions would support the fact that that was not the intent.

CHAIRMAN DEMIENTIEFF: Yes, Steve.

MR. KESSLER: I guess I -- on the question of the claws, I take a different approach to that. And it may have been the intent of the Board in a previous meeting to not include -- well, to match what the State regulation was let's say, but in fact we're in a position where claws have been in the definition of the

1 Federal Government, and claws have been considered
2 throughout this whole regulatory process that we've gone
3 through to consider WP04-01. And from that standpoint, I
4 think that if we were to change this regulation, I think
5 that -- and change the definition, I would prefer to have
6 a full airing of that in front of the Regional Advisory
7 Councils and go through a more formal process on that.

8

9

CHAIRMAN DEMIENTIEFF: Craig.

10

11

MR. FLEENER: Thank you, Mr. Chair. I
12 guess I was -- if I look at the proposal correctly, it
13 says allow the sale of handicraft articles made from the
14 fur of a black bear and a grizzly bear. It seems to me
15 like we could deal with this issue and deal with the
16 definition issue later. I mean, the definition is not a
17 part of the proposal. You can adjust that -- I
18 understand Mr. Edwards concern about the definition and
19 the State and everybody else's, but that's not part of
20 our proposal. Our proposal is to basically give grizzly
21 bear and black bear the same standing in the regulations,
22 and I would recommend that you take care of the
23 definition at a later point.

24

25

Thank you, Mr. Chair.

26

27

MR. EDWARDS: Mr. Chairman, my concern is
28 that once we make the decision to allow -- also include
29 bear claws, I think as with other parts of wildlife, for
30 example bear gall bladders, we have a significant
31 potential of increasing the harvest, and because of the
32 high monetary value that those are. And I recognize that
33 we have limits, as we do have limits in black bears, but
34 that certainly has not prevented some of the abuses and
35 the cases that have been made of black bears been taken
36 illegal simply for the sale of their gall bladders.

37

38

CHAIRMAN DEMIENTIEFF: Thank you. Harry.

39

40

MR. WILDE: Yeah, Mr. Chairman, I've been
41 sitting here, and never say nothing. You know, it's
42 really understandable, just like I'm sitting here, and
43 you guys try to feed me how to read the paper out of
44 nothing. We understand as Native people. We meet our
45 needs. We train our children, if you cannot use it,
46 don't kill it. That's the way we train our children, and
47 take them out and train them. I do know the people way
48 down there where we're at there's a lot of bears and
49 black bears. Go into our fish racks, taking our fish
50 racks. It really have to need to be killed when we kill

1 something, because we learn a lot of things from our
2 elders.

3
4 One time I went up to above Marshall. I
5 seen these families, they're making seal oil out of a
6 black bear -- brown bear. They use their skin and
7 everything. That's something that we don't really do
8 down in our area, but we do, some of our elders, they use
9 them for carving and all that. They don't throw it away.
10 So we learn from them.

11
12 Something that you cannot eat, you cannot
13 use them for survive on, our elders tell us, don't touch
14 it. Don't kill it. I think this is very understandable.

15
16 Where the things that use them for parts
17 and carve and all that, and the food, those people should
18 be open for them, for those, what we call bear or brown
19 bear especially.

20
21 It really bothers me to listen to you
22 guys. I think it's very understandable. Me myself, my
23 Council say, we oppose it. We oppose it because in case
24 there's a person that selling gall bladders. Mostly gall
25 bladders. And some of them that they don't eat the brown
26 bear, only black bear. So it really bothers me sometime
27 that when the regulation come to be regulation, even
28 though I couldn't use it, my people that I represent
29 cannot use it, they're tie up on something that you would
30 be able to use it somewhere else.

31
32 Thank you, Mr. Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. John.

35
36 MR. LITTLEFIELD: Mr. Chair. I'm looking
37 at the proposal on the screens, and I believe that needs
38 to be corrected, because it was consistent with the
39 recommendation of those three Councils, but it doesn't
40 say that it's limited to the units within those three
41 Councils, and I think that needs to be made clear,
42 because otherwise it would be statewide. So just -- I'd
43 like to see that in there as a matter of the record.

44
45 CHAIRMAN DEMIENTIEFF: That was in Judy's
46 motion.

47
48 MR. LITTLEFIELD: Well, that's not on the
49 screen.

50

1 MS. GOTTLIEB: And not on the screen.
2
3 CHAIRMAN DEMIENTIEFF: Yeah. It's just
4 -- yeah, that's just a typo. I'm sorry. We need to get
5 that on there, because I do -- when she made the motion,
6 it was only effective in those three regions. Go ahead,
7 Steve.
8
9 MR. KESSLER: Judy, I know when you made
10 the motion, you made the motion specifically for those
11 regions that said support, and I was wondering what your
12 thoughts were on Northwest Arctic who said, at least in
13 the notes here, the Council would like to put this
14 regulation in place for the Northwest Arctic Region?
15
16 MS. GOTTLIEB: Mr. Chair. Steve, I
17 understand that they want to discuss it at their Regional
18 Advisory Council meeting, but they didn't want to endorse
19 it right now, so that was my understanding.
20
21 CHAIRMAN DEMIENTIEFF: Okay.
22
23 MS. GOTTLIEB: Mr. Chair.
24
25 CHAIRMAN DEMIENTIEFF: Yes.
26
27 MS. GOTTLIEB: I had a question or
28 comment back to Craig. I respect what you're saying
29 about people want to use the fur, and I guess our dilemma
30 is two different definitions, one that's been published
31 in our Federal book for however many years, and the
32 current State one, and I don't know what flexibility or
33 interest we have in changing that definition for
34 publication for our next rule book or not.
35
36 CHAIRMAN DEMIENTIEFF: Craig.
37
38 MR. FLEENER: Thank you, Mr. Chair. I
39 think that the definition has been accepted for I'm not
40 sure how many years with -- for selling handicraft
41 articles made by black bear, and just -- pardon?
42
43 UNIDENTIFIED VOICE: One year.
44
45 MR. FLEENER: One year, thank you. And I
46 can say beyond a shadow of a doubt that in the Yukon
47 Flats, the black bear population, although there haven't
48 been any official counts of those bears, just by virtue
49 of what people on the land are saying is that the bear
50 population's rising. And so with that definition in

1 place we haven't seen a marked increase specifically so
2 people can extract claws from black bears, and so of
3 course that is only one year. I don't know how that's
4 going to increase if it will, I know that we are well
5 beneath the State's, target, I forget what it's called,
6 target harvest number or something for the species, and
7 we're probably at a fourth of the State's target harvest
8 number. Which means that the population can be harvested
9 four times what it's being harvested at now, and still
10 not have a detrimental impact on the population.

11

12 So at least for my back year the black
13 bear population is in good shape and the grizzly bear
14 population is equally in good shape.

15

16 Thank you, Mr. Chair.

17

18 MR. BRELSFORD: Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Taylor.

21

22 MR. BRELSFORD: As we move towards
23 perhaps a vote on the Board members. I wonder if there
24 might be additional support among the Board members if we
25 were able to amend the current motion and so I would like
26 to offer an amendment that would take the claws off the
27 table.

28

29 So the amendment I would ask for the
30 Board to consider would be to amend the language with the
31 result that, you may sell handicraft articles made from
32 fur of a Black and grizzly bear, not including claws in
33 the regions that are specified.

34

35 My reason for offering that is, I think
36 we do want to go slow in light of the conservation and
37 law enforcement concerns here. This proposal would bring
38 us to authorizing the use in three regions not 10 and it
39 would align with the regulatory approach that the State
40 has adopted, it would not go beyond that. My thought is
41 that there may be a point in subsequent years if we're
42 able to put the law enforcement and conservation
43 questions to rest where additional flexibility might be
44 appropriate. But I do think as step-wise process is a
45 responsible resource management at this point.

46

47 So if there's a second, I guess the Board
48 could consider that amendment.

49

50 MR. TONY: I second.

1 CHAIRMAN DEMIENTIEFF: It's been moved
2 and seconded, to adopt the claws clause. Further
3 discussion.

4
5 MR. LITTLEFIELD: Mr. Chair.

6
7 CHAIRMAN DEMIENTIEFF: Yes.

8
9 MR. LITTLEFIELD: I think the record was
10 clear that when the Regional Advisory Councils looked at
11 this they considered claws to be part of fur. I don't
12 think anyone had any misconception about that including
13 the State. So this thing has already been through the
14 procedures, everybody knew claws were in there until Mr.
15 LaPlant said you were going to rewrite the regs. I still
16 object to that, at least one Board member appears to
17 object to that, too. We need to follow the
18 Administrative Procedures Act that got us into trouble on
19 the 70/30 composition and put that through the public
20 process like it's supposed to be. You've got a published
21 regulation let's withdraw it, but that means we've got to
22 send it out to the Regional Councils, correctly. The
23 Regional Councils have all commented on this that's their
24 comment, don't be changing this after the fact, just as I
25 oppose the Interagency Staff Committee changing Regional
26 Advisory Councils, I oppose this too.

27
28 CHAIRMAN DEMIENTIEFF: Terry.

29
30 MR. HAYNES: Mr. Chairman. To the extent
31 that the Regional Councils met after the Board of Game
32 had taken action on this companion proposal, before it,
33 this winter, the State's comments presented to the
34 Regional Councils did indicate our concern about the
35 claws issue. I can't speak specifically to what was put
36 on the record at the Southeast Council meeting. But our
37 comments presentations to the Councils have been very
38 clear about this concern.

39
40 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

41
42 MR. TONY: Thank you, Mr. Chairman. I'd
43 agree with Mr. Littlefield, I think this is outside the
44 scope of the proposal and I think if we were going to
45 adopt a change like this it should start at the proposal
46 level and go out to all the RACs, at least in the
47 affected regions.

48
49 So I'm speaking against the amendment I
50 guess.

1 CHAIRMAN DEMIENTIEFF: Are we ready to
2 vote on the amendment. All those in favor of the
3 amendment, please signify by saying aye.
4
5 MR. BRELSFORD: Aye. You asked aye?
6
7 CHAIRMAN DEMIENTIEFF: Yes.
8
9 MR. EDWARDS: Aye.
10
11 CHAIRMAN DEMIENTIEFF: All those opposed
12 to the amendment, please signify by saying aye.
13
14 IN UNISON: Aye.
15
16 CHAIRMAN DEMIENTIEFF: Motion carried.
17 Oh, motion fails, two to four.
18
19 We now have the main motion before us.
20 Which is Judy's motion. Is there any further discussion
21 on that.
22
23 MR. EDWARDS: Mr. Chairman. I'll just
24 reiterate what I said before. I do think it's going to
25 be very problematic, if we include bear claws for
26 several purposes. And I recognize, and I think I can
27 certainly support the proposal without that, but I think
28 with including that, I think quite frankly we'll probably
29 have a law enforcement nightmare as opposed to, I think
30 with some individuals we may be starting a whole new
31 industry.
32
33 So I'm going to vote against it.
34
35 CHAIRMAN DEMIENTIEFF: Okay. Are we
36 ready for a vote then.
37
38 (Council nods affirmatively)
39
40 CHAIRMAN DEMIENTIEFF: All those in favor
41 of the main motion, please signify by saying aye.
42
43 IN UNISON: Aye.
44
45 CHAIRMAN DEMIENTIEFF: Those opposed same
46 sign.
47
48 MR. TONY: Aye.
49
50 MR. BRELSFORD: Aye.

1 MR. EDWARDS: Aye.
2
3 CHAIRMAN DEMIENTIEFF: You're opposed to
4 the main motion. Four to two. Okay, what -- yeah, let's
5 do a roll call. I thought I heard four ayes. There was
6 a question on the votes.
7
8 MR. BOYD: Mr. Chairman. From my left to
9 right. Mr. Edwards.
10
11 MR. EDWARDS: I vote, nay.
12
13 MR. BOYD: Mr. Kessler.
14
15 MR. KESSLER: I vote, aye.
16
17 MR. BOYD: Ms. Gottlieb.
18
19 MS. GOTTLIEB: Aye.
20
21 MR. BOYD: Mr. Tony.
22
23 MR. TONY: No.
24
25 MR. BOYD: Mr. Brelsford.
26
27 MR. BRELSFORD: No.
28
29 MR. BOYD: Mr. Chair.
30
31 CHAIRMAN DEMIENTIEFF: Aye.
32
33 MR. BOYD: Three, three.
34
35 CHAIRMAN DEMIENTIEFF: Okay, three,
36 three. It's just the people that were in favor I guess
37 were a lot louder than the opposition. The motion fails,
38 that leaves us in limbo. We've spent a lot of time --
39 yeah the action failed so that leaves us with a no
40 action, with regard to Proposal 1.
41
42 MR. BOYD: The current regulations remain
43 in place.
44
45 CHAIRMAN DEMIENTIEFF: Right the current
46 regulations remain in place, with the possible future
47 exception of Proposal 78, for Eastern Interior.
48
49 Okay, so we're going to go down to
50 Western Interior. I believe we're on Proposal 62, is the

1 next one up. Staff analysis.

2

3

MR. LAPLANT: Proposal 62, Mr. Chairman.

4

5

CHAIRMAN DEMIENTIEFF: Yes, sir 62.

6

7

MR. LAPLANT: Okay. Again for the record
8 my name is Dan LaPlant. Proposal 62, the analysis is
9 found on Page 548 of the Board Book, excuse me 549 of the
10 Board Book.

11

12 Proposal 62 was submitted by the Tanana
13 Tribal Council. It asks for a nine day earlier Federal
14 season in Unit 21(B), within the Nowitna National
15 Wildlife Refuge. The current Federal season and the
16 State season in this area for moose is September 5 to the
17 25, for one bull. So again this is a proposal to add
18 nine days to the beginning of the season in Unit 21(B),
19 for one bull.

20

21 They would like the Federal season to
22 begin on August 27th. They stated that the current
23 season, excuse me, that the earlier season is needed to
24 reduce the impact on subsistence hunters who have to
25 compete with non-Federally-qualified hunters. If you
26 look on the map on Page 10 of your map supplement
27 package, it shows a picture of the Nowitna National
28 Wildlife Refuge within Unit 21(B) and illustrating the
29 Nowitna River which is where the majority of the hunting
30 activity takes place.

31

32 Moose populations in this unit has
33 declined, results of the fall 2003 moose surveys in the
34 area shows a 15 percent annual declines in adult bulls
35 and six percent annual declines in adult cows since the
36 year 2000. Bull/cow ratios along the Nowitna River,
37 again where most of the hunting takes place, is 15 bulls
38 per 100 cows. The management goal in that area is 30
39 bulls per 100 cows. So a significant reduction has
40 occurred. Local, excuse me non-local hunting
41 participation in this hunt has increased greatly in
42 recent years.

43

44 In September 2003, 208 hunters checked
45 into the Nowitna River check station, this number
46 represents a 55 percent increase in total hunters, from
47 the 2002 fall season, and a 51 percent increase over the
48 previous 15 year average of 139 hunters. Refuge Staff,
49 believe that the 2003 increase was a result of hunter
50 displacement from other areas. In 2003 similar to recent

1 years, the number of hunters reported that they switched
2 from the Koyukuk River to the Nowitna River, they've done
3 this to avoid the crowding that and the requirement in
4 the Koyukuk River to destroy the trophy value of the
5 antlers under State Subsistence Regulations.

6
7 So hunters have been migrating out of the
8 Koyukuk area and into the Nowitna area.

9
10 They've also stated that they've moved
11 into the Nowitna area to hunt to escape the high density
12 of hunters using all-terrain ATV vehicles near Fairbanks
13 and the Matanuska/Susitna Valley. So they've moved out
14 of the hunting in Fairbanks and the Matanuska/Susitna
15 Valley to get a more remote hunting experience and get
16 away from ATV use. So we've got hunters coming in from
17 the Nowitna area, excuse me, from the Koyukuk area and
18 hunters coming in from the more populated areas of
19 Fairbanks and the Matanuska/Susitna Valley.

20
21 While the total number of hunters has
22 increased in the fall of 2003, the overall harvest rate
23 recorded at the check station was equal to the previous
24 15 year average of 33 percent. The 2003 harvest rate
25 among the local hunters was 18 percent, and this is
26 slightly above the 15 year average of 15 percent for
27 local hunters. However the number of moose harvested by
28 local hunters equaled the previous 15 year average, so
29 the result is because of fewer local hunters
30 participating, again, that's because of the increase in
31 the activity by non-local hunters. They see that this
32 competition and they've cut back on their efforts in that
33 area. A total of 56 bulls was reported as harvested at
34 the check station, this total does not include bulls
35 taken along the Yukon River in 21(B), nor does it include
36 hunters that access the Nowitna River by float plane. So
37 those that have hunted along the river and have come out
38 and stopped at the check station, they've counted 56
39 bulls that have hunted, you know, using that method, but
40 again, that doesn't include the total, is not a total
41 harvest. Twenty-one hunters were from local villages, 80
42 hunters were from Fairbanks, 80 were residents from other
43 areas in Alaska and 26 hunters were non-resident hunters.
44 So again a considerably large number of non-locals
45 hunting in the area.

46
47 The increase in hunting pressure in this
48 area has been recognized by the State as well and as a
49 result the Board of Game passed new regulations in March,
50 which will require moose hunters to either use a draw

1 permit or a registration permit to hunt under State
2 regulations in this area. There will be a very limited
3 number of draw permits available, and the use of the
4 registration permit will require trophy destruction.
5 Similar permits have been required in the past, in the
6 near by Koyukuk Controlled Use Area, and this has had
7 local support, it's been very effective at reducing the
8 number of non-local hunters in the Koyukuk area.

9
10 So adoption of this proposal to open
11 Federal Lands nine days earlier would have detrimental
12 impacts, or I should say could have detrimental impacts
13 on future productivity and recruitment, and ultimately
14 diminish the number of moose available to hunters. This
15 would provide additional hunting opportunity and the
16 possibility of increased harvest there as a result.

17
18 Refuge Staff are concerned that the early
19 season would increase bull harvest more then what's
20 sustainable.

21
22 So the key points here in this analysis
23 are that the recent Alaska Board of Game action has
24 addressed the proponents concern by reducing the number
25 of non-local harvest or by modifying regulations to
26 encourage that reduction in non-local harvest.

27
28 Additional harvests from the proposed
29 nine day extension could have detrimental impacts on the
30 population. The State regulations will place additional
31 harvest restrictions on resident and non-resident
32 hunters, and proposed regulatory changes may not
33 adequately address the proponent's concerns.

34
35 The last bullet means basically that the
36 proposed action could result in overharvest causing
37 population declines, and in the long run be detrimental
38 to the needs of the local uses.

39
40 Mr. Chairman, that concludes the
41 presentation.

42
43 CHAIRMAN DEMIENTIEFF: Thank you.
44 Written Public comments.

45
46 MR. RIVARD: Yes, Mr. Chair. There were
47 two written public comments on this, they can be found on
48 Page 548.

49
50 The Ruby Local Fish and Game Advisory

1 Committee originally supported this proposal, but at a
2 subsequent meeting in January of this year they reversed
3 their recommendation and oppose the proposal. The basis
4 of their reversal was because of the confusion between
5 where State jurisdiction ends and Federal jurisdiction
6 begins. They also thought the ADF&G proposal to the
7 Alaska Board of Game to establish registration hunts
8 would address the competition between local and non-local
9 hunters.

10

11 The Koyukuk/Nowitna National Wildlife
12 Refuge Complex also opposed this proposal as written.
13 The Refuge understands that there may be cause for
14 concern with the increase in the number of hunters
15 through the Nowitna check station in Unit 21(B) in 2003.
16 The Refuge is concerned that if this increase were to
17 continue there's a potential to impact local hunters.
18 While the number of hunters increased, the overall
19 harvest rate recorded at the check station went down to
20 27 percent from the 15 year average of 33 percent. The
21 local harvest rate of 18 percent was slightly below the
22 long term average of 21 percent. However the number of
23 moose harvested equaled the long term average on four.
24 Surveys conducted in 2003 show that while there has been
25 a decline in the number of adult bulls, calf productivity
26 and recruitment are up and the population is stable when
27 compared to the 2001 data.

28

29 There has been extensive effort to align
30 the State and Federal regulations and this proposal would
31 bring those regulations out of alignment. The Refuge is
32 aware of stronger conservation measures in upcoming State
33 proposals which better address this management need.

34

35 Thank you, Mr. Chair.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. We
38 have no requests for additional public testimony at this
39 time. Regional Council recommendations. Let me see
40 they're listed Western first, Eastern and then -- Western
41 first and then Eastern.

42

43 MR. SAM: Thank you, Mr. Chair. Since
44 the State Board of Game took action to create permit
45 hunting within this area, I don't think this will -- this
46 alone will address the competition issue, I'm pretty sure
47 it will be addressed and managed by the Koyukuk/Nowitna
48 Management team stationed at Galena.

49

50 And Eastern Interior met before we did

1 and we met at Huslia on March 9th. The permit system is
2 in place on both the State and Federal lands, surrounding
3 21(B), Ruby and Galena area, it's all color coded on the
4 map and as far -- at this time the only thing I'm not
5 sure of is what number they settled on. But we do have
6 Mike Spindler here that could address this issue, because
7 I think with that drawing permit system in line or
8 similar to the one that we have on Koyukuk River, which
9 we are only allowing 50 permits this year for outside
10 hunters, so this alone would address -- this permit
11 system alone would address that problem of competition
12 and over use by outside hunters, they have to get a
13 permit.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Eastern.

19

20 MR. FLEENER: Thank you, Mr. Chair. The
21 Eastern Interior supported this proposal, because it
22 allows for local subsistence uses and users to have a
23 earlier opportunity to meet their needs before the highly
24 competitive State general hunt.

25

26 As was pointed out there was the State of
27 Alaska who made their actions and our Regional Council
28 decided not to wait to hear what their actions were
29 before we decided, because we didn't have any idea what
30 direction they were going to go. I don't recall any
31 specific direction to change the proposal or to make any
32 amendments to it, but I do sort of have a problem with
33 the idea that the Staff Committee presented where we
34 should not allow for subsistence users to have an earlier
35 season to -- because they think that would cause
36 overharvest and not really taking much action or really
37 even addressing the fact of all of the outside hunting
38 pressure that's going on, and so I just thought I'd bring
39 that out, as well.

40

41 So I'm going to go with what's written in
42 the book here. Thank you Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Staff
45 Committee.

46

47 MR. EASTLAND: Thank you, Mr. Chair. My
48 name's Warren Eastland. I'm the wildlife biologist for
49 the BIA presenting the Interagency Staff Committee
50 position.

1 We oppose the proposal and suggest the
2 requirement for the use of a State regulation permit,
3 consistent taken by the Western Interior Regional
4 Advisory Council. Adoption of this proposal as presented
5 by the proponent could have additional adverse impacts on
6 the already depressed bull moose population on the
7 Nowitna National Wildlife Refuge in 21(B). The proposed
8 nine day extension of the Federal Season would likely
9 cause additional harvest of adult bulls. Results from
10 the last three survey years revealed a decline in the
11 adult bull population. Additional harvest to bulls could
12 have detrimental impacts on future productivity and
13 recruitment and ultimately may reduce moose numbers
14 available to Federally-qualified subsistence users.
15

16 In seeking a exclusive Federal
17 subsistence hunt early in the season the proponent sought
18 to strengthen the priority for local subsistence users,
19 in the face of increasing non-subsistence pressure, in
20 the Nowitna River quarter. However, as noted above this
21 is not justified with the current moose population
22 status. Reductions in non-local hunting pressure are
23 warranted in joint action with the Alaska Board of Game
24 is the most effective means of reducing non-subsistence
25 pressure. The Board of Game recently adopted regulations
26 reducing non-local pressure through a drawing and a
27 registration permit system which includes horn
28 destruction as a disincentive to trophy hunting.
29

30 Regulations of this sort have been
31 successful in reducing pressure in the nearby, Koyukuk
32 River. Alignment of season dates and registration permit
33 requirements between the Federal and State regulations is
34 desirable to avoid enforcement issues that would
35 otherwise arise in the Nowitna River quarter which is the
36 area most used by the local subsistence hunters and as a
37 result of in dispersed lands under Federal and State
38 jurisdiction.
39

40 The Eastern Interior Regional Council
41 recommendation to support the early additional season is
42 not endorsed by the Interagency Staff Committee. In
43 light of the biological information noted above, and the
44 State actions to reduce non-local hunting pressure, the
45 Eastern Interior Regional Council, is not -- the position
46 of the Eastern Interior Regional Council is not supported
47 by substantial evidence.
48

49 And I would like to make one minor
50 correction, I apologize for calling it horn destruction

1 when it's antler destruction, I do know better.

2

3

Thank you, very much.

4

5

CHAIRMAN DEMIENTIEFF: Department.

6

7

MR. HAYNES: Mr. Chairman, thank you.

8

The Department supports the Western Interior Regional

9

Council recommendation to oppose this proposal.

10

11

I think the concerns we have, have been pretty well addressed in the Staff Committee presentation as well as Mr. LaPlant's Staff analysis. Concerns about declining bull/cow ratios, problems with land ownership patterns being very mixed in this area. The Board of Game, at it's spring meeting, implemented registration and drawing permit hunts in Unit 21(B) and the Dulbi River drainage portion of Unit 21(C) that we believe will be an important first step in addressing some of the competition concerns addressed in this proposal.

21

22

We're sorry that the Board of Game had not taken action prior to the Eastern Interior Council meeting so that that Council could have had the benefit of evaluating the Board of Game action.

26

27

Hunters opting to participate in the State's registration permit hunt will be required to destroy the trophy value of the antlers. A limited number of drawing permits will be issued to resident and non-resident hunters who want to harvest an antlered bull and not destroy the trophy value of the antlers. And more specifically, Unit 21(B) under the new State regulations has been divided into three hunt areas for the drawing permit. The Nowitna River Corridor which will have a 16 drawing permits for residents, four for non-residents. In Unit 21(B) east of the Nowitna River Corridor there will be 54 total drawing permits available. And in 21(B) West of the Nowitna River Corridor, 62 drawing permits will be available. In the Dulbi River portion of Unit 21(C), 20 drawing permits will be available.

43

44

Alignment of the State and Federal regulations for this hunt, we believe is essential to address the conservation issue and to simplify the regulations, again, to due to the mixed ownership -- mixed land ownership patterns in the Nowitna River Corridor. So we hope that, you know, we'd like to see the new State regulation have a chance to work. We

50

1 believe it will have a similar effect as comparable types
2 of regulations have had in the Koyukuk River area.

3

4

Thank you.

5

6

CHAIRMAN DEMIENTIEFF: Discussion. Gary.

7

8

MR. EDWARDS: Mr. Chairman. I'd just
9 like to ask Mr. Fleener, I mean if the State would have
10 done their action prior to your meeting, do you think the
11 outcome would have been different or is it kind of
12 unclear?

13

14

MR. FLEENER: Mr. Chair, thank you.
15 Unfortunately I haven't consulted with the Tanana Tribal
16 Council to really speak wisely about this situation
17 that's why I stuck with the comments in the book. I'm
18 sure our deliberations would have been different if there
19 were substantial reductions in the amount of people
20 coming in. I just don't have the authority to change the
21 decision of the Council.

22

Personally I'm certain that it's going to
23 help, however, I've always supported broad seasons, I
24 support year-round seasons actually for subsistence
25 hunters, and so the intent there is that I generally stay
26 within the bag limits, if possible, and so I think that
27 will happen in most cases. And I think that in this
28 place, additional outside pressure is probably what's
29 doing a lot of damage to the overall status of the
30 population.

31

32

But without Tanana Tribal Council's
33 permission, and the Eastern Interior, I don't want to say
34 much more than my personal opinion.

35

36

Thank you.

37

38

CHAIRMAN DEMIENTIEFF: Further
39 discussion. Paul.

40

41

MR. TONY: Yeah I've got a couple
42 questions. One is, I'm not that familiar with the RAC
43 boundaries. Which RAC does the Nowitna fall within?

44

45

MR. SAM: Both Western and -- I mean the
46 hunting area is within the Western Interior Region but
47 the proponents of this proposal comes from Tanana, which
48 is in the Eastern Interior.

49

50

1 CHAIRMAN DEMIENTIEFF: Which actually
2 they're the closest to the Nowitna, Tanana, the community
3 of Tanana is.

4
5 MR. TONY: My other question, Mr.
6 Chairman, was I'm just trying to understand, I kind of
7 took exception to the comment that something about the
8 local harvest, causing -- if this were adopted causing an
9 overharvest, and looking at the numbers that are on Page
10 552 of my materials, just looking at the averages, I mean
11 123 of the 144 hunters that are shown on this on an
12 average over the period from 1988 to 2003 are either
13 from, you know, they're not from the local villages,
14 they're from Fairbanks, other residents or non-residents,
15 and that doesn't even count the fly in people who are
16 definitely probably non-residents -- non-local people.
17 I'm just wondering how you could say that on an average,
18 you know, 21 average hunters are going to be
19 overharvesting when you've got all of this incredible
20 pressure from people coming from urban communities, from
21 Fairbanks, from, you know flying in from other locations,
22 it just kind of flies in the face of reason, I guess and
23 I'm trying to understand the remark.

24
25 CHAIRMAN DEMIENTIEFF: Yeah, I think you
26 raise a good point, because this is also an area that I
27 know very well. There are well established camps on that
28 river by people from outside that use it yearly, you
29 know, they use their camps yearly. Flying in there,
30 whatever, boat, whatever but they're there every year.
31 So, it's a good point that you raise anyway Paul.

32
33 Further discussion.

34
35 MS. GOTTLIEB: Mr. Chair. Perhaps a
36 question for Gary, Fish and Wildlife Service. It seems
37 like what's being requested is opening the season in the
38 Refuge earlier, so do we have any statistics on what the
39 take normally is in the Refuge and whether that might
40 make any difference to open it earlier?

41
42 MR. EDWARDS: I'm told that that's in the
43 analysis, I can't tell you where. And we do have the
44 Refuge manager here who is going to speak to the next
45 issue but I'm sure Mike could speak to this one also.

46
47 CHAIRMAN DEMIENTIEFF: Dan.

48
49 MR. LAPLANT: Yes, Mr. Chairman. I can
50 start addressing it and then Mike can supplement it when

1 he gets up here. The check station information that I
2 quoted here from the analysis would be primarily harvest
3 that took place on the Refuge, because the people
4 stopping at the check station are those that floated down
5 on the Nowitna River which comes through the heart of the
6 refuge. Now, there's potential that some of that could
7 have been harvested on some of the private lands, some of
8 the State lands, under State jurisdiction, but a majority
9 of that would have been harvested from the Refuge lands.

10

11 CHAIRMAN DEMIENTIEFF: Mike.

12

13 MR. SPINDLER: Thank you, Mr. Chairman,
14 Board members. My name is Mike Spindler, I'm the Refuge
15 Manager for Koyukuk/Nowitna Refuge in Galena. I've been
16 manager for three years and before that biologist there
17 for 12 years. I'm pretty familiar with the situation and
18 the hunting patterns on the Nowitna, I've done law
19 enforcement patrols, I've done wildlife surveys there
20 over the last 15 years.

21

22 You are correct, Mr. Chairman, there are
23 some long established camps there along the Nowitna River
24 both by local people from Ruby and Tanana as well as
25 people from Fairbanks. Those camps pre-date
26 establishment of the Refuge in 1980. A number of those
27 families from Fairbanks have been going there for 30
28 years, as well.

29

30 The statistics that you were questioning
31 are the Nowitna hunter check station statistics and so
32 it's the best data set we have for the Nowitna Refuge.
33 And you are correct also in pointing out that the local
34 hunter numbers have been fairly stable over the years and
35 the non-local hunter numbers are the ones that have
36 grown. That is why in our analysis, separately from the
37 OSM Staff analysis, we believe that the State of Alaska's
38 solutions by placing the registration permit hunt
39 requirements and the drawing permit hunt requirements
40 would alleviate that rapid growth in the number of non-
41 local hunters.

42

43 I's also like to point out that the
44 Nowitna Refuge extends all the way from Ruby to Tanana
45 essentially on the south side of the Yukon River, there's
46 mixed land status near Ruby, there's also mixed land
47 status near Tanana. It's this are of mixed land status
48 where we have some concerns because moose are being
49 mainly a flood point animal generally below -- found
50 below mean high water and the local hunting techniques

1 are to go along the rivers. So if you're hunting below
2 mean high water, but within what you think are Federal
3 lands you may think you are good by the Federal
4 regulations that allow -- the proponent's regulations
5 that would allow a nine day early opportunity. But in
6 actuality you're hunting in State jurisdiction and then
7 you're hunting outside of the Federal regulations, so
8 there's a great potential for confusion there in the
9 mixed land status areas.

10

11 Another thing I would like to point is,
12 based on what happened when you the State implemented the
13 drawing permit hunts on the Koyukuk approximately five
14 years ago. The amount of participation by people from
15 the villages gradually increased as competition in the
16 Koyukuk diminished, participation on the Koyukuk Refuge
17 increased. So people shifted their hunting from near
18 their village to further up the Koyukuk River. There are
19 some families in Ruby and Tanana that have long hunted
20 along the Nowitna River that have ceased to hunt there
21 because of the competition. We believe and we've
22 actually spoken to several of those families, several
23 people of our Staff have relatives in Ruby and in Tanana,
24 they did say that those families would begin hunting back
25 on the Nowitna if the competition was diminished.

26

27 So at this point our analysis and
28 recommendation is to allow time for the State's solution
29 to appear to try to let it work and then if not then
30 we'll have to revisit it.

31

32 Thank you, Mr. Chairman.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

35

36 MR. TONY: Yeah, so that in the comments
37 then who submitted the comments that are attributed to
38 the Koyukuk/Nowitna National Wildlife Refuge Complex. Do
39 you know who that would be?

40

41 MR. SPINDLER: Yeah. That would be under
42 my responsibility, sir.

43

44 MR. TONY: And at the end there it
45 alludes to the Refuge is aware of stronger conservation
46 measures in upcoming State proposals which better address
47 this management need and I was curious what that referred
48 to.

49

50 MR. SPINDLER: Yes, Mr. Tony. That

1 refers to the proposals that were passed by the Board of
2 Game in this last cycle to implement a registration
3 permit hunt and a drawing permit hunt.

4

CHAIRMAN DEMIENTIEFF: Ron.

6

7 MR. SAM: Yes, I think I would like to
8 commend the State Board of Game for implementing this
9 permit and registration hunt. Because the last two years
10 on the Koyukuk we were issuing 250 permits, this year we
11 are issuing only 50 permits, you know, where that will
12 go, so this will protect the Koyukuk/Nowitna moose range.

13

Thank you, Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Further
17 discussion. Somebody prepared to make a motion. I'm
18 sorry, Wayne.

19

20 MR. REGLIN: Thank you, Mr. Chairman.
21 The State of Alaska has worked really closely with the
22 Western Interior RAC, with all the local Advisory
23 Committees in the area and the stakeholder process and I
24 think it's been really successful. We'll see in this
25 area in general, we'll see how it works right here. But
26 I think there's certain places where the State
27 regulations are probably more appropriate to use than the
28 Federal regulations where you have this real mixed
29 ownership of land so that the local hunters know where,
30 you know, the seasons are the same and they can go to
31 their traditional areas not worrying about whether it's
32 on State land, private land or Federal Lands. So I think
33 that we've got a really good system put together working
34 with all of the local stakeholders.

35

36 I think we're all proud of it and I think
37 it's going to work really well for us.

38

Thanks.

39

40

CHAIRMAN DEMIENTIEFF: Gary.

42

43 MR. EDWARDS: Mr. Chairman. I would move
44 that we would adopt Proposal 62, with the modification
45 that would retain the current season and harvest limit
46 and require the use of a State registration permit in
47 Unit 21(B), which I think is consistent with the intent
48 of the Western Interior. I think we heard concerns about
49 an extended season on top of an already depressed moose
50 population, I think what we're really trying to do here

1 is to reduce the pressure as opposed to extending the
2 timeframe, so that would be my motion.

3

4 CHAIRMAN DEMIENTIEFF: Okay. There's a
5 motion, is there a second.

6

7 MR. BRELSFORD: I'll second the motion.

8

9 CHAIRMAN DEMIENTIEFF: There was an
10 incident several years back where somebody had shot a
11 moose under more liberal Federal regulations in that area
12 and the moose fell down in the winter. It was a winter
13 hunt and Tanana Chiefs defended the hunter, the line was
14 right there was State and the State prosecuted and we
15 defended the guy's position by saying no he got the moose
16 on Federal land a frozen column of Federal jurisdiction,
17 a lake that had frozen in the wintertime any way. So
18 these are the kind of things we have to deal with
19 sometimes.

20

21 (Laughter)

22

23 CHAIRMAN DEMIENTIEFF: I really have
24 mixed emotions about this. I view it as a management
25 tool. It's clear that the locals are going to get out if
26 we adopt the proposal that we're going to have some
27 knowledge on what the locals are getting, which helps to
28 make the decision with regards to the drawing permits.
29 And as we look at this in the future I think we need to
30 get that information, I think that's part of our job as a
31 Board in implementing the subsistence priority, so -- and
32 doing our jobs. It just occurs to me that the locals are
33 hunting then we get that information, the State gets it
34 and put it back there, their permits. I look at it as a
35 management tool.

36

37 Ron, did you have something.

38

39 MR. SAM: Yes. This system is designed
40 to protect the subsistence users and the local resident
41 hunters. There are so many permits already issued to the
42 locals and few outside ones, are so limited. But if you
43 are going to adopt this Proposal 62, under Eastern
44 Interior's recommendation, I think that point would be
45 moot anyway, because we already have that permit system
46 within that area. Is that true or would that nine day
47 season still be nine days early season still be in
48 effect, because I think that it may be moot if we go into
49 that permit system.

50

1 CHAIRMAN DEMIENTIEFF: Thank you. Any
2 other discussion on the motion.
3
4 MR. EDWARDS: Mr. Chairman. I just
5 wanted to clarify. What I did, I approved the motion but
6 I amended it to maintain the current system -- season,
7 which is consistent with your recommendation. I was just
8 trying to figure out the proper language to lead with the
9 proposal and then modify it. Whether I did it right or
10 not I don't know, but I'm working on it.
11
12 MR. SAM: Okay.
13
14 CHAIRMAN DEMIENTIEFF: Any other
15 discussion.
16
17 (No comments)
18
19 CHAIRMAN DEMIENTIEFF: Hearing none all
20 those in favor of the motion signify by saying aye.
21
22 IN UNISON: Aye.
23
24 CHAIRMAN DEMIENTIEFF: All those opposed
25 same sign.
26
27 (No opposing votes)
28
29 CHAIRMAN DEMIENTIEFF: Motion carries. I
30 do consider it a work in progress too. I don't think
31 we're quite done with this issue, but this is our first
32 look at it. We don't have enough time to get into the
33 rest of the issues in Western so we'll come back at 8:30
34 in the morning and take those issues up.
35
36 So, everybody have a nice dinner and get
37 a good nights sleep and we'll have the same kind of fun
38 tomorrow at 8:30.
39
40 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 144 through 288 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically by Salena Hile on the 20th day of May 2004, beginning at the hour of 8:30 o'clock a.m. at the Millennium Hotel in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 28th day of May 2004.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 3/12/2008 _